



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
March 8, 2006

Mayor David Dermer
Vice-Mayor Saul Gross
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Jerry Libbin
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Call to Order - 9:00 a.m.
Inspirational Message, Pledge of Allegiance
Requests for Additions, Withdrawals, and Deferrals

Presentations and Awards

PA Presentations and Awards

Consent Agenda

C2 Competitive Bid Reports Requests
C4 Commission Committee Assignments
C6 Commission Committee Reports
C7 Resolutions

Regular Agenda

R2 Competitive Bid Reports
R5 Ordinances
R7 Resolutions
R9 New Business and Commission
R10 City Attorney Reports

Reports and Informational Items

Presentations and Awards

- PA1 Certificates Of Appreciation To Be Presented To Rond Point Condominium, Alexander All Suites Oceanfront Resort, St. Patrick's Church, Grand Venetian Condominium, Temple Beth Schmucl And Special Recognition To North Beach Elementary By The City Of Miami Beach Beautification Committee For Their Efforts In Contributing Significantly To The Beautification Of The City And Its Citizens. (Page 2)
(Parks & Recreation)
- PA2 Proclamation To Be Presented In Honor Of Women's History Month.
(City Manager's Office)
- PA3 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service Award" Winners, Scott Todd And Ariel Sosa, For The Months Of January And February 2006.
(City Manager's Office)
- PA4 Proclamation To Be Presented Marking National Library Week (April 2-8, 2006).
(Requested by Mayor David Dermer)

CONSENT AGENDA

Action:
Moved:
Seconded:
Vote:

C2 - Competitive Bid Reports

- C2A Request For Approval To Purchase From Freightliner Of South Florida, In The Amount Of \$64,397.00, One (1) 2007 Thomas C2 47 - Capacity Conventional School Bus, Pursuant To Florida Department Of Education Contract No. 2005-15. (Page 5)
(Fleet Management)
- C2B Request For Approval To Purchase, Pursuant To Florida State Contract No. 04-12-0823, One (1) 2006 Ford E-250 Cargo Van, Two (2) 2006 Ford 500 Vehicles, One (1) 2006 Ford Escape 4x2 And One (1) 2006 Ford Crown Victoria Police Pursuit Vehicle, From Duval Ford, In The Amount Of \$92,126.00; And One (1) 2006 Ford F-150 4x2 Pick Up Truck, From Don Reid Ford, In The Amount Of \$13,606.15. (Page 8)
(Fleet Management)
- C2C Request For Approval To Issue A Request For Proposals (RFP) For Providing Parking Meter Collection Services For The City's Parking System. (Page 11)
(Parking Department)

C2 - Competitive Bid Reports (Continued)

- C2D Request For Approval To Issue A Request For Proposals (RFP) For The Removal And Disposal Of Derelict Vessels. (Page 20)
(Procurement)

C4 - Commission Committee Assignments

- C4A Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The "Drift" By The Artist Inigo Manglano-Ovalle To Be Commissioned For Placement In South Pointe Park, As Recommended By The Art In Public Places Committee. (Page 24)
(Tourism & Cultural Development)
- C4B Referral To The Finance And Citywide Projects Committee - Discussion Regarding Exercising The Renewal Term Of The City's Agreement With SMG For The Management And Operation Of The Miami Beach Convention Center, The Jackie Gleason Theater Of The Performing Arts, Colony Theater, Byron Carlyle Theater, And Little Stage Theater. (Page 38)
(Tourism & Cultural Development)
- C4C Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Issuance Of A Request For Proposals For The Management And Operation Of Professional Food And Beverage Services For The Miami Beach Convention Center, With An Option To Manage Food And Beverage Services At Other City Cultural Facilities, If Deemed To Be In The City's Best Interest. (Page 40)
(Tourism & Cultural Development)
- C4D Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The Composition Of The Transportation & Parking Committee. (Page 42)
(Parking Department)
- C4E Referral To The Land Use And Development Committee - Ordinance Prohibiting Height Variances Without City Commission Approval Or Public Referendum. (Page 44)
(Requested by Commissioner Matti Herrera Bower)
- C4F Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Amending City Code For The Purposes Of Expanding The Types Of Transactions In Which The City Must Provide Notice Of Its Campaign Finance Laws. (Page 46)
(City Attorney's Office)

C6 - Commission Committee Reports

- C6A Report Of The Neighborhoods/Community Affairs Committee Meeting On February 2, 2006: **1)** Discussion Regarding Allowing The Dogs To Use The Beach For Swimming, North Of South Pointe Pier; **2)** Discussion Regarding The Sexual Predator Ordinance; And **3)** Discussion Of Issuance Of An RFP For Feasibility Study Of Undergrounding Utilities In The City Of Miami Beach. (Page 49)
- C6B Report Of The G.O. Bond Oversight Committee Meeting On February 6, 2006: **1)** Contingency Report; **2)** Discussion Items: A. Annual Report - Status & Timeline; B Parking Space Analysis; **3)** Project Status Report: A. Update On Fire Station #2; B. Update On Fire Station #4; C. Normandy Isle Park And Pool; And **4)** Informational Item: A. Updated Calendar Of Scheduled Community Meetings. (Page 57)
- C6C Report Of The Finance And Citywide Projects Committee Meeting Of February 16, 2006: **1)** Discussion Regarding The Capacity To Issue Additional Water And Sewer Revenue Bonds; **2)** Discussion Regarding An Effort To Create Work Force Housing In Miami Beach Was Referred Back To The Finance And City Wide Projects Committee Meeting For Further Discussion; **3)** Discussion Regarding Policy And Criteria For The Distribution Of Pay-As-You-Go Capital Funds; **4)** Discussion Regarding The Collins Avenue And 13th Joint Venture Proposal In Response To Request For Proposals No. 20-97/98 Issued For The Development Of Public/Private Parking Facilities In Miami Beach South Of Dade Boulevard In 1997; And **5)** Discussion Regarding The Issuance Of A New Request For Proposal For The Management And Operation Of 1. Green (Farmers) Market On Lincoln Road; 2. Street Market On Española Way; 3. Street Market In Normandy Village; And 4. Antique And Collectibles Market On Lincoln Road. (Page 61)
- C6D Report Of The Land Use And Development Committee Meeting On February 27, 2006: **1)** Discussion Regarding The Creation Of An Ordinance As Required By The City Charter, Establishing Criteria For Planning Board Approval Of The Disposition Of City Property; **2)** Discussion Regarding Ordinance Amending The Code Of The City Of Miami Beach, Florida, Amending Chapter 82, "Public Property," Article II, "Sale Or Lease Of Public Property," Sections 82-36 Through 89-40, To Expand The Applicability Of The Ordinance To Include Vacations Of Easements, Alleys, Rights-Of-Way, Or Any Other Conveyance Or Reduction Of The City's Interest In Real Property; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date; **3)** Discussion On The Issue Of Requiring Term Limited Members Of Land Use Board To Not Be Eligible For Re-Appointment To Another Land Use Board For A Period Of One Or Two Years; And **4)** Discussion On Possibly Cancelling The March 13, 2006 Land Use And Development Committee Meeting. (Page 67)

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 3 To The Agreement Between The City Of Miami Beach And URS Corporation - Southern, Dated June 27, 2001 To Provide Project Management Services And Additional Support To The Capital Improvement Projects (CIP) Office In The Amount Of \$250,000, To Be Funded From General Fund CIP Salary Savings. (Page 72)
- (Capital Improvement Projects)

C7 - Resolutions (Continued)

- C7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Professional Architectural And Engineering Services Agreement Between The City And EAC Consulting, Inc. For The Provision Of Additional Design And Construction Administration Services, In The Amount Of \$129,325, For The Right-Of-Way Infrastructure Improvements Program For Neighborhood No. 1 - Biscayne Point With Funding To Be Appropriated From The Water And Sewer Bonds Interest Account. (Page 77)
(Capital Improvement Projects)
- C7C A Resolution Appropriating Funding, In The Amount Of \$339,446.56, From The American Golf Settlement; \$75,000 To Be Made Available To Complete The Environmental Remediation At The Miami Beach Golf Club Course Construction Project, And \$264,446.56 To Be Appropriated To Fund The Additional Environmental Remediation Requirements For The Normandy Shores Golf Course Project. (Page 90)
(Capital Improvement Projects)
- C7D A Resolution Authorizing The Administration To Issue A Purchase Order To Medtronic Emergency Response Systems, As The Sole Source Provider Of The Capnography, Oxygen Saturation, And Blood Pressure Upgrades To The LifePak 12 Defibrillator/Monitors Currently In Use By The Fire-Rescue Division, Adding Blood Pressure, Pulse Oxymetry, And Capnography Capability To Meet New State Of Florida Requirements; Said Purchase Order In The Amount Of \$52,683.00. (Page 95)
(Fire Department)
- C7E A Resolution Authorizing The City Manager Or His Designee Retroactively To Submit Grant Applications To The Following Agencies: 1) Miami Beach Visitor And Convention Authority For Funding For The City's July 4, 2006 Event In An Amount Not To Exceed \$8,000; 2) Miami-Dade County Tourist Development Council For Funding Of The City's July 4, 2006 Event In An Amount Not To Exceed \$20,000; 3) Florida Division Of Emergency Management Community Emergency Response Team Program For Cert Funding In An Amount Not To Exceed \$10,000; 4) Miami-Dade County For ADA Parking Fine Funds In The Amount Of \$61,310.93; 5) US Department Of Justice For VOCA Funding For The Police Department's Domestic Violence/Victims Advocate Program, In An Amount Not To Exceed \$68,000; 6) Florida Department Of Health, Bureau Of EMS For Funds For An Electronic Patient Care Reporting System; Further Appropriating The Grants And Matching Funds, If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To These Applications. (Page 100)
(Grants Management)
- C7F A Resolution Rejecting Proposals From Municipal Parking Systems, Inc., And Collins And 13th Street Joint Venture Relating To Request For Proposals (RFP) No. 20-97/98, Issued For The Development Of Public/Private Parking Facilities In Miami Beach South Of Dade Boulevard. (Page 107)
(Parking Department)

C7 - Resolutions (Continued)

- C7G A Resolution Directing The Planning Department To Present A Preliminary Evaluation And Recommendation Report For Consideration By The Historic Preservation Board Relative To The Possible Designation Of Certain City-Owned Monuments, Fountains, Sculptures, And Memorials That Are Not Currently Designated As An Historic Site Or Located Within An Historic District; As Well As Recommending That The Historic Preservation Board Consider Assigning A Status Of Contributing For Those City-Owned Monuments, Fountains, Sculptures, And Memorials That Are Located Within An Historic District And Do Not Currently Have A Classification Status. (Page 110)
(Planning Department)
- C7H A Resolution Accepting The Recommendation Of The City Manager Pertaining To Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 05-05/06, For A Planning/Impact Fee Consultant To Help Further Explore The Potential For An Impact Analysis And Mitigation Development System; Authorizing The Administration To Enter Into Negotiations With Clarion Associates; And Should The Administration Not Be Able To Negotiate An Agreement With Clarion Associates, Approve The Re-Issuance Of This RFQ. (Page 133)
(Procurement)
- C7I A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 30-04/05, For Architectural, Engineering, Urban Design, And Landscape Architecture Services For The Planning, Design, Bid And Award, And Construction Administration Services For The Construction Of The Proposed 400 Space Cultural Campus Parking Garage; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Arquitectonica; And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Zyscovich, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Further Authorizing The Administration To Negotiate With The Third-Ranked Firm Of MC Harry Associates. (Page 140)
(Procurement)
- C7J A Resolution Accepting The Recommendation Of The City Manager Authorizing The Administration To Negotiate Professional Services Agreements Pursuant To Request For Qualifications (RFQ) No. 34-04/05, For General Transportation Planning And Traffic Engineering Consulting Services, On An As Needed Basis, For The City Of Miami Beach; And Authorizing The Mayor And City Clerk To Execute Professional Services Agreements Upon Completion Of Successful Negotiations With Any Or All Of The Following Seven (7) Firms: 1) DMJM Harris; 2) HDR Engineering, Inc.; 3) Keith And Schnars; 4) Kittleson & Associates, Inc.; 5) Post Buckley Schuh And Jernigan (PBS&J); 6) R.J. Behar & Company, Inc.; And 7) The Corradino Group. (Page 149)
(Procurement)
- C7K A Resolution Approving The Proposed Final Plat Of "Villagio Bay I", Being A Replat Of Lots 6 And 7 Of Lincoln Terrace Subdivision And "Villagio Bay II," A Replat Of Lots 5, 6, 7, 8, & 9 Of Bay Lincoln Subdivision, City Of Miami Beach, Miami-Dade County Florida, And Authorizing The Appropriate City Officials To Execute The Plat On Behalf Of The City. (Page 156)
(Public Works)

C7 - Resolutions (Continued)

- C7L A Resolution Setting A Public Hearing On April 11, 2006, To Consider An After-The Fact Revocable Permit Request By AB Green Raleigh LLC., Owner Of The Raleigh Hotel Located At 1775 Collins Avenue, To Retain Portions Of A Stair, Columns, Landscaping And A Masonry Fence Wall In The Adjacent City Right-Of-Way, Over An Approximately 668 Sq. Ft. (Page 165)
(Public Works)
- C7M A Resolution Ratifying A Contract, In The Total Amount Of \$143,500, To Last Chance Glass, Inc., To Provide For The Replacement Of All Windows, Doors, And Frames With Impact Resistant Windows, Doors, And Frames At The South Shore Community Center. (Page 172)
(Public Works)
- C7N A Resolution Ratifying A Contract, In The Total Amount Of \$68,055, To Luis E. Roca, Inc., To Provide For The Replacement Of The Structural Floor At Fire Station No. 3. (Page 179)
(Public Works)
- C7O A Resolution Ratifying A Contract, In The Total Amount Of \$28,101, To Marina Plumbing Services Corporation, To Provide For The Replacement Of Domestic Water Lines At Fire Station No. 1. (Page 186)
(Public Works)
- C7P A Resolution Ratifying The Selection Of Widell, Inc. For The Emergency Repairs To The Venetian Causeway Water Main, In The Amount Of \$195,000. (Page 193)
(Public Works)
- C7Q A Resolution Authorizing The Mayor And The City Clerk To Accept The Donation Of \$250 From Randy Gumenic, A Miami Beach Resident, For The Purchase Of A Handheld Universal Microchip Scanner For The Miami Beach Police Department, Which Will Be Utilized To Reunite Lost And Stolen Pets With Their Owners. (Page 200)
(Police Department)
- C7R A Resolution Setting A Public Hearing On April 11, 2006, To Hear Public Comment Regarding A Lease Agreement With Manyprey, Inc., For The Lease Of Approximately 2080 Square Feet Of City-Owned Property Located At 22 Washington Avenue, Miami Beach, Florida; For The Purpose Of An Outdoor Café Associated With A Restaurant Operation Located At 816 Commerce Street, Which Is Directly Adjacent To And West Of The Subject City Property; Said Lease Having An Initial Term Of Five Years, With An Option To Renew For Four Years And 364 Days, At The City's Discretion; Further To Consider Waiver, By 5/7ths Vote, Of The Competitive Bidding And Appraisal Requirements; As Required By Section 82-39 Of The Miami Beach City Code. (Page 203)
(Asset Management)

C7 - Resolutions (Continued)

- C7S A Resolution Waiving, By 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager, Through His Designee, Who Shall Be The City's Property Management Director, A Licensed General Contractor, To Select, Negotiate, And Award All Contracts, Agreements, Purchase Orders, And Change Orders For The Purchase Of All Necessary Goods And Construction Services Relative To The Ongoing Repair And Maintenance Including, Without Limitations, The Replacement Of Air Conditioning Systems, Roof Replacement, And Pressure Cleaning, Waterproofing, And Painting Requirements Of The Miami City Ballet Building, A City Owned Facility Located At 2200 Liberty Avenue, Miami Beach, Florida; Providing That All Documents Be Reviewed By The Appropriate Members Of The Administration And City Attorney's Office, And Which Shall Contain Those Minimum Terms And Conditions As Set Forth In This Resolution; And Further Authorizing The City Manager And/Or The Mayor And City Clerk To Execute Any And All Agreements Relative To The Aforestated Repair And Maintenance Projects, Provided Further, That The Total Amount Of The Aforestated Repair And Maintenance Projects Shall Not Exceed \$740,000 Without The Prior Approval Of The City Commission. (Page 208)

(Public Works)

- C7T A Resolution Waiving By 5/7th Vote, The Competitive Bidding Process, Finding Such Waiver To Be In The City's Best Interest, And Approving A Three Year Sponsorship Agreement Between The City Of Miami Beach And Phillips-Van Heusen Corporation (IZOD). (Page 213)
(City Manager's Office)

End of Consent Agenda

Presentations and Awards

- PA1 Certificates Of Appreciation To Be Presented To Rond Point Condominium, Alexander All Suites Oceanfront Resort, St. Patrick's Church, Grand Venetian Condominium, Temple Beth Schmucl And Special Recognition To North Beach Elementary By The City Of Miami Beach Beautification Committee For Their Efforts In Contributing Significantly To The Beautification Of The City And Its Citizens.
(Parks & Recreation)
- PA2 Proclamation To Be Presented In Honor Of Women's History Month.
(City Manager's Office)
- PA3 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service Award" Winners, Scott Todd And Ariel Sosa, For The Months Of January And February 2006.
(City Manager's Office)
- PA4 Proclamation To Be Presented Marking National Library Week (April 2-8, 2006).
(Requested by Mayor David Dermer)

AGENDA ITEM PA1-4
DATE 3-8-06

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Condensed Title:

Request For Approval To Purchase From Freightliner Of South Florida, In The Amount Of \$64,397.00, One (1) 2007 Thomas C2 47 Capacity Conventional School Bus, Pursuant To Florida Department Of Education Contract No. 2005-15.

Key Intended Outcome Supported:

Increase satisfaction with recreational programs.

Issue:

Shall the Mayor and City commission approve the purchase?

Item Summary/Recommendation:

The 2007 Thomas 47 Capacity School Bus with A/C is a budgeted replacement for vehicles 0910, 0911, 0912 and will be funded by the Fleet Management Fund Capital Account. This vehicle will be utilized by the Recreation Division of the Parks and Recreation Department to provide free transportation for both children and adults to attend programmed activities throughout the year. The School Bus will be equipped with air conditioning, PA system with radio, seatbelts, bus lock up system, and a 20 cubic foot capacity storage area.

The Administration recommends approving the purchase.

Advisory Board Recommendation:

N/A

Financial Information:


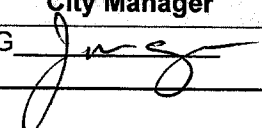
Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 100px; height: 50px; margin-bottom: 5px;"></div> OBPI	1	\$64,397.00	510-1780-000673	
	2			
	3			
	4			
	Total	\$64,397.00		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Andrew E. Terpak

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AET _____ KS _____ GL _____	RCM 	JMG 

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MIAMI BEACH

AGENDA ITEM C2A
DATE 3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: March 8, 2006

SUBJECT: **REQUEST FOR APPROVAL TO PURCHASE FROM FREIGHTLINER OF SOUTH FLORIDA, IN THE AMOUNT OF \$64,397.00, ONE (1) 2007 THOMAS C2 47 - CAPACITY CONVENTIONAL SCHOOL BUS, PURSUANT TO FLORIDA DEPARTMENT OF EDUCATION CONTRACT NO. 2005-15.**

ADMINISTRATION RECOMMENDATION

Approve the purchase.

FUNDING

Funding is available from the following account:

\$64,397.00 Fleet Management Fund Capital Account 510-1780-000673.

ANALYSIS

The 2007 Thomas 47 Capacity School Bus with A/C is a budgeted replacement for vehicles 0910, 0911, 0912 and will be funded by the Fleet Management Fund Capital Account. This vehicle will be utilized by the Recreation Division of the Parks and Recreation Department to provide free transportation for both children and adults to attend programmed activities throughout the year. The School Bus will be equipped with air conditioning, PA system with radio, seatbelts, bus lock up system, and a 20 cubic foot capacity storage area.

The purchase of this bus will allow us to continue our migration from 15 passenger vans into buses, which are designed to meet State and Federal safety standards for transporting school age children. Continued use of passenger vans for the stated Park and Recreation purposes is no longer permitted by Federal guidelines and State law.

The vehicles listed below have met or exceeded the established criteria for replacement:

Veh#	Dept.	Year	Make/Model	Mileage	Life To Date Maintenance	Condition
0910	0950	1999	Ford E350 Van	48,285	\$6,559.71	Poor
0911	0950	1999	Ford E350 Van	46,439	\$7,972.98	Poor
0912	0950	1999	Ford E350 Van	42,211	\$7,130.28	Poor

Criteria for replacement of vehicles are based on age, mileage, maintenance, engine hours (one engine hour idling = 35 miles), and overall condition of the vehicle. The life to date maintenance includes all costs associated with the vehicle, including, but not limited to, repairs, routine maintenance, accidents and other damage.

All deadlined vehicles and equipment are used as a trade-in or sold at public auction. This process effectively reduces our cost of ownership and completes the vehicle life cycle.

CONCLUSION

In order to continue meeting the needs of the residents of Miami Beach the Administration recommends that the City Commission approve the purchase of the 47 capacity School Bus, from Freightliner of South Florida, pursuant to Florida Department of Education Contract No. 2005-15 in the amount of \$64,397.00.

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Condensed Title:

Request For Approval To Purchase, Pursuant To Florida State Contract No. 04-12-0823, One (1) 2006 Ford E-250 Cargo Van, Two (2) 2006 Ford 500 Vehicles, One (1) 2006 Ford Escape 4x2 And One (1) 2006 Ford Crown Victoria Police Pursuit Vehicle, From Duval Ford, In The Amount Of \$92,126.00; And One (1) 2006 Ford F-150 4x2 Pick Up Truck, From Don Reid Ford, In The Amount Of \$13,606.15.

Key Intended Outcome Supported:

Increase resident ratings of Public Safety; Increase satisfaction with recreational programs; Improve Parking availability.

Issue:

Shall the City Commission approve the purchases?

Item Summary/Recommendation:

The 2006 Ford E-250 Cargo Van and two (2) 2006 Ford 500 vehicles are budgeted **replacements** and will be funded by the Fleet management Fund Capital Account. The Ford E-250 Cargo Van will be used by the Parks and Recreation Department to transport furniture and supplies between recreation centers. The two (2) 2006 Ford 500 vehicles will be used by the Police Department Administrative staff. The 2006 Ford Escape 4x2 is a budgeted **replacement** and the 2006 Ford F-150 4x2 Pick Up truck is a budgeted **addition**. The vehicles will be used by the Off-Street Parking division to inspect 63 parking lots and 6 garages. The 2006 Ford Crown Victoria is a **replacement** using Risk Management Funds for a vehicle involved in an accident and deemed a "total loss".

The Administration recommends approving the purchases.

Advisory Board Recommendation:

n/a

Financial Information:

Source of Funds:	Amount	Account	Approved
1	\$57,246.00	510.1780.000673	
2	\$29,031.15	480.0463.000673	
3	\$19,455.00	540.1792.000379	
4			
Total	\$105,732.15		


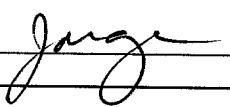
OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Andrew E. Terpak

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AET _____ KS _____ SF _____ GL _____	RCM 	JMG 

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MIAMIBEACH

AGENDA ITEM C2B
DATE 3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **REQUEST FOR APPROVAL TO PURCHASE, PURSUANT TO FLORIDA STATE CONTRACT NO. 04-12-0823, ONE (1) 2006 FORD E-250 CARGO VAN, TWO (2) 2006 FORD 500 VEHICLES, ONE (1) 2006 FORD ESCAPE 4X2 VEHICLE AND ONE (1) 2006 FORD CROWN VICTORIA POLICE PURSUIT VEHICLE, FROM DUVAL FORD, IN THE AMOUNT OF \$ 92,126.00; AND ONE (1) 2006 FORD F-150 4X2 PICK UP TRUCK, FROM DON REID FORD, IN THE AMOUNT OF \$13,606.15.**

ADMINISTRATION RECOMMENDATION

Approve the purchases.

FUNDING

\$ 57,246.00	Fleet Management Fund – Capital Account	510.1780.000673
\$ 29,031.15	Parking Enterprise Fund – Off Street Capital Account	480.0463.000673
\$ 19,455.00	Risk Management Fund	540.1792.000379

ANALYSIS

All vehicles are recommended to be purchased pursuant to Florida State Contract No. 04-12-0823.

Fleet Management research for contract purchases begins by verifying contract bids currently available to the City of Miami Beach, i.e. State of Florida contracts, and Florida Sheriff's Association, which is currently utilized by Miami Dade County. Only larger entity contracts are available to the City for piggyback use by our City Code requirements, which recognize the purchasing advantages of large volume purchases. Vehicles on contract are compared and a request for a written quote is secured from vendors awarded the particular category. It is important to note that some vendors are on more than one contract. Vendors on contract have gone through a competitive bidding process prior to being awarded contracts for various categories. Sometimes vendors are awarded more than one contract for the same category. Vendors on contract are chosen by Fleet Management based on the following factors: price, estimated delivery date, included options, quality of up fitting and requirements. The vehicle price is always the lowest bid price available to the City. After vendor selection, Fleet Management prepares Commission Memos for final approval of purchase. The Procurement division reviews the validity of purchase authority sources and Budget reviews the department funding source.

The 2006 Ford E-250 Cargo Van and two (2) 2006 Ford 500 vehicles are budgeted replacements and will be funded by the Fleet Management Fund Capital Account. The 2006 Ford E-250 Cargo van will be used by the Parks and Recreation Department to transport furniture, such as tables and chairs, and supplies, to and from the Recreation centers around the City. The two (2) 2006 Ford 500 vehicles will be used by the Police Department administrative staff.

The 2006 Ford Escape 4x2 is a budgeted replacement and the 2006 Ford F-150 4x2 Pick Up truck is a budgeted addition. These vehicles will be funded by the Parking Enterprise Fund Capital Account. The 2006 Ford Escape 4x2 will be used by a Parking Operations Supervisor and Off Street parking supervisors to inspect 63 parking lots and 6 garages located throughout the City and to ensure and improve appropriate service levels and cleanliness. The 2006 Ford F-150 4x2 Pick Up Truck will be used by a new Off Street Parking supervisor and will improve current supervisor service levels.

The 2006 Ford Crown Victoria Police pursuit vehicle replaces a vehicle that was involved in an accident and deemed a "total loss". It is being replaced using Risk Management Funds.

The vehicles listed below have met or exceeded the established criteria for replacement:

Veh#	Dept.	Year	Make/Model	Mi./Hours	Life to Date Maintenance	Condition
0595	0950	1997	Ford/E-250	46,058	\$ 6,366.48	Fair
2508	1110	2000	Ford/Crown Vic	105,573	\$ 7,315.27	Fair
2510	1110	2000	Ford/crown Vic	81,129	\$ 3,804.20	Fair
0806	0463	1995	Jeep/Cherokee	72,546	\$19,267.02	Fair
2744	1120	2003	Ford/Crown Vic	56,313	\$ 5,915.98	Totaled

Criteria for replacement of vehicles are based on age, mileage, maintenance, engine hours (one hour idling = 35 miles), and overall condition of the vehicle. The life to date maintenance includes all costs associated with the vehicle, including, but not limited to, repairs, routine maintenance, accidents and other damage.

All deadlined vehicles and equipment are used as a trade-in or sold at public auction. This process effectively reduces our cost of ownership and completes the vehicle life cycle.

CONCLUSION

The Administration recommends that the City Commission approve the purchase, pursuant to Florida State Contract No. 04-12-0823, of one (1) 2006 Ford E-250 Cargo Van, two (2) 2006 Ford 500 vehicles, one (1) 2006 Ford Escape 4x2 vehicle, and one (1) 2006 Ford Crown Victoria Police pursuit vehicle, from Duval Ford, in the amount of \$92,126.00; and one (1) 2006 Ford F-150 4x2 Pick Up truck, from Don Reid Ford, in the amount of \$13,606.15.

JMG/RCM/SF/KS/GL/AET/mo

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Condensed Title:

Request for Approval to Issue a Request for Proposals (RFP) for Providing Parking Meter Collection Services for the City's Parking System.

Key Intended Outcome Supported:

Improve the City's overall financial health and maintain overall bond rating.

Issue:

Should the Commission approve the issuance of a Request for Proposals?

Item Summary/Recommendation:

On June 27, 2001, the Mayor and City Commission authorized the execution of a professional services agreement for parking meter collection services with Standard Parking. This agreement is scheduled to expire on September 28, 2006, with no further renewal options. The City's Parking System continues to have a need for meter collections services for single space meters and multi-space pay stations; therefore, the Administration is recommending the issuance of a request for proposals for parking meter collection services in accordance with minimum requirements; qualifications; scope of services; and specifications outlined in the attached memorandum.

Advisory Board Recommendation:

N/A

Financial Information:


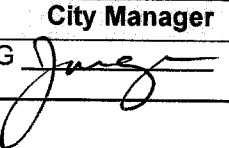
Source of Funds:		Amount	Account	Approved
	1			
	2			
	3			
	4			
OBPI	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Saul Frances ext. 6483 Gus Lopez ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
SF _____ GL _____	RCM 	JMG 

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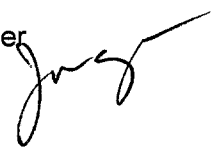


MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: March 8, 2006

SUBJECT: **REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR PROVIDING PARKING METER COLLECTION SERVICES FOR THE CITY'S PARKING SYSTEM.**

ADMINISTRATION RECOMMENDATION

Approve the Issuance of an RFP.

ANALYSIS

On June 27, 2001, the Mayor and City Commission authorized the execution of a professional services agreement for parking meter collection services with Standard Parking. This agreement is scheduled to expire on September 28, 2006, with no further renewal options. The City's Parking System continues to have a need for meter collections services for single space meters and multi-space pay stations; therefore, the Administration is recommending the issuance of a Request for Proposals for Parking Meter Collection Services in accordance with minimum requirements; qualifications; scope of services; and specifications.

The existing service provider, Standard Parking, Inc., may elect to participate in the competitive bidding process. Upon the advertisement of the RFP, the Cone of Silence is in effect. The Parking Department's Administration is limited by the Cone of Silence to only discuss issues pertaining to the existing contract with the existing service provider, and not the particulars of the RFP.

MINIMUM REQUIREMENTS / QUALIFICATIONS

1. The Proposer must have a verifiable proven record of providing parking meter collection services and must have not fewer than three (3) years of experience, providing successful parking meter collection services for municipal parking departments, parking authorities, and/or parking systems, including colleges/universities; and/or hospitals with the following minimum characteristics:
 - a. Municipal parking departments, parking authorities, and/or parking systems, including hospitals, and/or colleges/universities with daily parking meter collection frequencies.
 - b. Municipal parking departments, parking authorities, and/or parking systems, including hospitals, and/or colleges/universities with single space electronic parking meter mechanisms and multi-space pay stations, including experience with uploading/downloading data for auditing functions, and experience with electronic parking meter vault door locking systems.

2. The Proposer must have the ability to provide parking meter collection services as outlined herein throughout the term of the Agreement and to provide a consistent level of service with collection frequency that may vary up to 25%, in meter collection frequency for either single space or multi-space pay stations, and/or a combination thereof. A \$500,000 performance bond will be required of the Successful Proposer to evidence financial stability.
3. The Proposer must demonstrate a level of expertise, technical knowledge, and innovation to provide parking meter collection services, including providing services through inclement weather, and any unforeseeable circumstances.

SCOPE OF SERVICES

The City of Miami Beach intends to receive proposals for Parking Meter Collection Services for a three (3) year period, with one, two (2) year options to renew, at the sole discretion of the City.

Successful Proposer shall provide Collection Service for single space parking meters and/or multi-space pay stations owned by the City of Miami Beach, located at sites designated herein within the City of Miami Beach. Collection Service shall transport all coins, bills, and/or data collected from single space parking meters and/or multi-spaces pay stations to any place within the City of Miami Beach deemed acceptable to the Parking Director, for the purpose of counting, storing, depositing, or any combination thereof.

SPECIFICATIONS

1. Number of Parking Meters:

Collection services will be required for a system containing approximately 9,500 parking spaces.

2. Parking Meter Collection Procedures and Requirements:

The City of Miami Beach presently has a sealed parking meter collection system. The general SOP (standard operating procedure) for single space meter and multi-space pay station collection is described below: The Successful Proposer is required to adhere to the following SOP:

Single Space Meter: Unlock the parking meter vault door by utilizing both a key and access card for the electronic locking system. The sealed (locked) coin can is removed from the meter vault area and inserted into a sealed cylindrical collection device that engages (unlocks) the coin can from the meter. The coin can's contents are deposited into the collection device. Once the contents of the coin can have been deposited, it is returned to the corresponding parking meter and the meter vault door is locked. At this time, the Successful Proposer is required to retrieve parking meter revenue data via use of a hand held device or card. This process is repeated at all parking meters scheduled for collection. All cylindrical collection devices are returned to the Parking Department for the sorting, counting, bagging, and deposit of parking meter revenue.

Multi-Space Pay Stations: Unlock bill hopper door and swap out the used bill hopper for a new (empty) bill hopper; engage empty sealed coin collection bucket onto pay station and release all coins into the sealed empty coin collection bucket; insert card apparatus into the pay station to retrieve/transfer all credit and smart (debit) card data, including all audit transactions; and retrieve printed tape from each and every pay station collect where collections have been performed.

3. Number of Collections:

It is estimated that there will be approximately 20,000 single space meter collections per month and up to 3,000 multi-space pay station collections per month. Collections are based on single space meter and/or multi-space pay station utilization; therefore, fluctuations in collection frequencies may be expected. Collections are made as per a weekly schedule provided by the City of Miami Beach Parking Department. The City's Parking Department reserves the right to adjust its inventory of single space meters and multi-space pay stations; including their collection frequency; type of collection (single space or multi-space); and ratio between the two types of systems (single space and multi-space).

4. Equipment:

The Successful Proposer shall be responsible for the coded collection keys, electronic locking system access cards, sealed coin collection buckets, bill hoppers, and data retrieval hand held devices and/or cards issued by the City. Successful Proposer shall be financially responsible for repair or replacement, including parts and labor, of any equipment required due to being damaged, lost, or stolen while in his/her care, custody, and/or control. This includes access cards, hand held computers, data retrieval cards, sealed coin collection buckets, bill hoppers, and any other cost associated with securing all parking spaces affected by the breach. Any of the aforementioned property, including but not limited to, locks, electronic locking system access cards, hand held computer devices, sealed coin collection buckets, bill hoppers, and data retrieval cards/devices, must be replaced within seven calendar days of loss. Failure to meet the time criteria of this provision shall result in a penalty of \$250.00 per day or ten (10%) per day of the total value due to the City from Successful Proposers due to the loss of City Property, or whichever is greater. The greater of these two penalties will be assessed against the Successful Proposer for every calendar day past the seventh (7th) day; such penalty is to be deducted from any future or current remittances due to the Successful Proposer.

The City of Miami Beach Parking Department will furnish meter coin vault keys, electronic system access cards, hand held computer, sealed coin collection buckets, bill hoppers, and/or data retrieval cards to the Collection Service personnel at the start of each collection day at the time specified by the Parking Director. This equipment will be issued at the Administration Offices of the City of Miami Beach Parking Department, located at 1130 Washington Avenue, First Floor. All equipment will be signed for by the Service Provider's Collection Service Personnel receiving the equipment. The equipment will be returned when the Collection Service has completed its duties at the end of that day. All keys and equipment are to be fastened to the Collector's person by suitable fashion and such fastening shall be subject to the approval of the Parking Director or designee.

5. Damages:

All equipment supplied by the City to the Collection Service for the purpose of this contract will be replaced at the Collection Service's expense in the event of damage caused while in the Collection Service's care and custody.

6. General Provisions:

Collection Service Personnel shall be unarmed at all times while engaged in the collection of and transportation of parking meter revenue.

Collection Service shall collect coins, bills, and data from parking meters on routes and schedules provided by the Parking Director of the City of Miami Beach, or designee.

Route schedules and collection frequencies may change periodically, as required by normal meter installations and removal and/or rate changes, or when the Parking Director and/or its designee requests a segregated revenue rate test or special collection.

Collection Service shall provide secure and safeguarded vehicles. A minimum of three collection vehicles must be supplied and additional vehicles should be provided as needed to perform collection and collection supervision services.

Each vehicle is to be equipped in accordance with the following specifications and with maximum security systems; "maximum security systems" includes, but is not limited to:

- (1) Electronic vehicle tracking system (Lo-Jack, Tele-Trac, or equivalent); and
- (2) Alarm system with sirens covering all entry points including an ignition kill and fuel shut-off; and
- (3) Interior iron/steel caged compartments to enclose, keep upright, and distinguish all full and empty coin canisters/sealed coin collection buckets/bill hoppers, including an individual slot for each in order to lock in an iron/steel compartment independently of each of the other collection devices; and
- (4) Enclosed vehicles to keep contents from public view.
 - a. The solid bulkhead separating the driver from the back compartment of the vehicle must have an opening that would permit the driver to have a clear view of the back compartment.
 - b. A drop safe for equipment must be installed on the passenger side of the bulkhead.
 - c. Each vehicle passengers must adhere to all safety requirements, including the use of seat belts at all times for the safety of all collection personnel.
 - d. Each vehicle must be equipped with a method of air conditioning in the rear compartment.
 - e. All vehicles must be unmarked.
 - f. All doors are to lock automatically when closed and be equipped with an alarm system as specified above.

- g. Collection Service shall employ all of the personnel safety procedures and/or devices necessary to transport coin safely from parking meters and pay stations to any place within the City of Miami Beach for the purpose of counting, storing, depositing, or any combination thereof.
- h. Each vehicle operator must be equipped with a cellular telephone or two-way radio to provide communication from one operator to another operator and to a City of Miami Beach designee.

Collection Service shall provide the number of vehicles necessary to complete each days scheduled collections and transportation of the collected and/or counted coins.

Each Collection Service vehicle shall have a minimum of two (2) collection service personnel, in uniform with photograph identification. The Collection Service personnel will wear identification tags, provided by the City of Miami Beach, at all times while collecting coins and delivering the collected or counted coins. One Supervisor must remain in radio contact with the Parking Department designee

7. Zones:

Collection requirements are itemized by zones (or routes).

8. Zone Assignments:

Zone assignments shall be issued daily at the Parking Department at the time the collection equipment is issued. Wheeled carts for collection are to be provided by the City of Miami Beach Parking Department and are to be returned at the close of each day's regular collection.

9. Transporting of Funds:

All funds collected will be transported to the revenue processing facility for consolidation. Revenues to be consolidated shall be counted by City personnel and then, at the option of the City, delivered by the Collection Service to a designated Miami Beach depository no later than the first business day following the collection by the Collection Service.

10. Reports:

Collection Service will be required to complete and submit to the City on a daily basis, copies of the report forms, including Key Report Form); Daily Parking Meter Non-Collection Report; and Collection Sheets. Collection Service shall complete appropriate forms, as provided by the City, for coins found out of canisters. The City reserves the right to add/amend forms as necessary.

11. Revenue Responsibilities:

Collection Service shall be totally responsible for the security of all collected and counted revenues (coin, bills, and/or data) while in their care, custody, or control.

12. Termination:

The City may, at its sole discretion, and without cause, terminate this Agreement at any time during the term herein by giving thirty (30) days written notice to the Operator of such termination, which shall become effective as of the date so specified in said written termination.

13. City of Miami Beach Employees:

The Successful Proposer agrees not to hire any City employee as a part-time or full-time employee that would participate and/or be associated with the services outlined herein in providing parking meter collection services to the City of Miami Beach.

14. Supervision:

The City of Miami Beach Parking Department shall have the right to have its personnel, as deemed appropriate, at the sole discretion of the Parking Director, to closely monitor the collection service for any and all security reasons.

The Successful Proposer shall designate an on-site supervisor for each collection team (vehicle), at all times, when collection services are being provided. The on-site supervisor shall coordinate all duties, functions, and respond to all inquiries, as required, with the City of Miami Beach Parking Director, or designee.

15. Firm Price Application:

The prices quoted will remain in effect for a thirty-six (36) month period, at which time they will be reconsidered for adjustment prior to renewal, if the City, at its sole discretion, wishes to exercise the two (2) year renewal option, as follows:

Change shall not be more than the percentage decrease or increase in the Consumer Price Index (overall) computed on the anniversary date of the contract. The index report for the month October of the applicable year prior to the anniversary date of the contract shall be the basis from which any computation shall be made.

16. Loan Equipment:

The Collection Service shall be responsible for returning any loaned equipment to the City. Any equipment damaged while in the custody of the Collection Service will be repaired or replaced at the Collection Service's expense.

17. Proposer's Qualification Form:

The Proposer's Qualification Form, which is part of the proposal, is to be completed and returned with the proposal.

18. Insurance:

Certificates of Insurance, in accordance with the attached specifications, will be required of the Successful Proposer.

19. Performance Bond:

A Performance Bond in the amount of \$500,000.00 will be required of the Successful Proposer, to give the City surety of the Successful Proposer's financial stability. The Performance Bond shall be renewable annually and on the options. The form of the bond shall be approved by the City Attorney and shall be a corporate surety bond company licensed to do business in the State of Florida.

EVALUATION/SELECTION PROCESS; CRITERIA FOR EVALUATION

The procedure for proposal evaluation and selection is as follows:

1. Request for Proposals issued.
2. Receipt of proposals.
3. Opening and listing of all proposals received.
4. An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each proposal in accordance with the requirements of this RFP. If further information is desired, proposers may be requested to make additional written submissions or oral presentations to the Evaluation Committee.
5. The Evaluation Committee shall recommend to the City Manager the proposal or proposals acceptance of which the Evaluation Committee deems to be in the best interest of the City.

The Evaluation Committee shall base its recommendations on the following factors:

- A. Proposer's experience and qualifications with providing service requested in the RFP.
 - B. Quality of Proposed Operational Plan.
 - C. Qualifications of key personnel and project team.
 - D. Evidence of financial stability.
 - E. Total Costs made up of collection fee per single space meter and per multi-space pay station utilizing estimated collections in Section 3, entitled, "Number of Collections".
 - F. Risk Assessment Plan for ensuring quality of work.
 - G. Part performance based on number and quality of the Performance Evaluation Surveys.
6. After considering the recommendation(s) of the Evaluation Committee, the City Manager shall recommend to the Mayor and Commission the proposal or proposals acceptance of which the City Manager deems to be in the best interest of the City.
 7. The City Commission shall consider the City Manager's recommendation(s) in light of the recommendation(s) and evaluation of the Evaluation Committee and, if appropriate, approve the City Manager's recommendation(s). The Mayor and Commission may reject City Manager's recommendation(s) and select another proposal or proposals. In any case, the Mayor and Commission shall select the proposal or proposals acceptance of which the Mayor and Commission deems to be in the best interest of the City. The City Commission may also reject all proposals.

8. Negotiations between the selected proposer and the City Manager take place to arrive at a contract. If the Mayor and Commission has so directed, the City Manager may proceed to negotiate a contract with a proposer other than the top-ranked proposer if the negotiations with the top-ranked proposer fail to produce a mutually acceptable contract within a reasonable period of time.
9. A proposed contract or contracts are presented to the Mayor and Commission for approval, modification and approval, or rejection.
10. If and when a contract or contracts acceptable to the respective parties is approved by the Mayor and Commission, the Mayor and City Clerk sign the contract(s) after the selected proposer(s) has (or have) done so.

By submitting a proposal, all proposers shall be deemed to understand and agree that no property interest or legal right of any kind shall be created at any point during the aforesaid evaluation/selection process until and unless a contract has been agreed to and signed by both parties.

CONCLUSION

The Administration recommends that the Mayor and Commission authorize the issuance of an RFP (Request for Proposals) for providing parking meter and pay station collection services for the City of Miami Beach Parking System in accordance with the minimum requirements; qualifications; scope of services; and specifications outlined below.

JMG/RCM/SF

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Condensed Title:

Request for Approval to Issue a Request For Proposals (RFP) for the Removal and Disposal Of Derelict Vessels.

Key Intended Outcome Supported:

Improve Cleanliness of Miami Beach Waterways.

Issue:

Shall the City Commission approve the Issuance of an RFP?

Item Summary/Recommendation:

In the event of an emergency, such as a hurricane, the City would lack sufficient resources to undertake recovery operations such as the removal and disposal of derelict vessels. The purpose of this RFP is to retain a sea-towing and disposal contractor that will assist the City in the removal and disposal of derelict vessels from public waters.

During strong weather conditions, boats might be shifted and placed in areas where they can develop into a hazardous condition or serious risk to our residents and visitors. After the proper investigation and identification, an abandoned vessel becomes a derelict vessel only after all available means to identify or contact the owner have failed. The retention of a recognized and insured contractor with the expertise on in the removal of vessels would allow the City to respond in a more expeditious manner.

The Administration recommends that the Mayor and the City Commission authorize the issuance of a Request for Proposals (RFP) for the removal and disposal of derelict vessels.

APPROVE ISSUANCE OF RFP.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

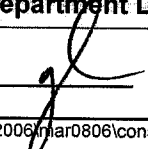
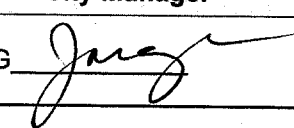
OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Gus Lopez Ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL 	PDW _____	JMG 

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MIAMIBEACH

AGENDA ITEM C2D
DATE 3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR PROPOSALS (RFP)
FOR THE REMOVAL AND DISPOSAL OF DERELICT VESSELS.**

ADMINISTRATION RECOMMENDATION

Approve issuance of RFP.

ANALYSIS

In the event of an emergency, such as a hurricane, the City would lack sufficient resources to undertake recovery operations such as the removal and disposal of derelict vessels. The purpose of this RFP is to retain a sea-towing disposal contractor that will assist the City in the removal and disposal of derelict vessels from public waters.

During strong weather conditions, boats might be shifted and placed in areas where they can develop into a hazardous condition or serious risk to our residents and visitors. After the proper investigation and identification, an abandoned vessel becomes a derelict vessel only after all available means to identify or contact the owner have failed. The retention of a recognized and insured contractor with expertise in the removal of vessels would allow the City to respond in a more expeditious manner.

The scope of services include:

1. Dive, patch and re-float with a pollution stand-by crew which will include a salvage master, divers, patching materials, pumps, compressors and other specialized equipment necessary to recover the sunken vessels,
2. Tow re-floated vessels to a county landfill area for disposal.
3. Documentation of all work performed.

The proposed cost shall include all applicable fuel surcharges, taxes, or county waste tariffs.

EVALUATION PROCESS

The procedure for response evaluation and selection will be as follows:

- RFP issued.
- Receipt of responses.
- Opening and listing of all responses received.

- An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each response in accordance with the requirements of this RFP. If further information is desired, respondents may be requested to make additional written submissions or oral presentations to the Evaluation Committee.
- The Evaluation Committee will recommend to the City Manager the response(s) which the Evaluation Committee deems to be in the best interest of the City by using the following criteria for selection:
 1. The experience and qualifications of the contractor (20 points).
 2. The experience and qualifications of the Team (10 points).
 3. Cost (40 points).
 4. Methodology and approach. Risk Assessment Plan for ensuring quality of work (15 points)
 5. Past Performance based on number and quality of the Performance Evaluation Surveys (15 points).
- The City may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations.
- After considering the recommendation(s) of the Evaluation Committee, the City Manager shall recommend to the City Commission the response or responses acceptance of which the City Manager deems to be in the best interest of the City.
- The City Commission shall consider the City Manager's recommendation(s) in light of the recommendation(s) and evaluation of the Evaluation Committee and, if appropriate, approve the City Manager's recommendation(s). The City Commission may reject City Manager's recommendation(s) and select another response or responses. In any case, City Commission shall select the response or responses acceptance of which the City Commission deems to be in the best interest of the City. The City Commission may also reject all proposals.
- Negotiations between the selected respondent and the City take place to arrive at a contract price. If the City Commission has so directed, the City may proceed to negotiate a contract price with a respondent other than the top ranked respondent if the negotiations with the top ranked respondent fail to produce a mutually acceptable contract price within a reasonable period of time.
- A proposed contract or contracts are presented to the City Commission for approval, modification and approval, or rejection.
- If and when a contract or contracts acceptable to the respective parties is approved by the City Commission, the Mayor and City Clerk sign the contract(s) after the selected respondent(s) has (or have) done so.

CONCLUSION

The Administration recommends that the Mayor and the City Commission authorize the issuance of a Request for Proposals (RFP) for the removal and disposal of derelict vessels.

C4
Comm. Committee
Assignments



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM:  Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **REFERRAL TO NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE - DISCUSSION REGARDING THE "DRIFT" BY THE ARTIST IÑIGO MANGLANO-OVALLE TO BE COMMISSIONED FOR PLACEMENT IN SOUTH POINTE PARK, AS RECOMMENDED BY THE ART IN PUBLIC PLACES COMMITTEE.**

ADMINISTRATION RECOMMENDATION

Refer discussion of the "Drift" to Neighborhoods/Community Affairs Committee, as recommended by the Art in Public Places Committee.

BACKGROUND

In the fall of 2005, with direction from the City Administration, the Art in Public Places (AiPP) Committee embarked on commissioning an internationally recognized artist that would create an original work of art in conjunction with the re-design and renovation of South Pointe Park. The objective was to commission work that would be monumental in scale within the project budget of \$500,000.

AiPP had been advised by the Administration that they had a short timeline to select an artist for the Project, as design for the park project was being fast tracked in order to commence construction in 2006. The AiPP reviewed the various options in the City's AiPP Ordinance (as codified in Chapter 82, Articles VII, Divisions 1 through 4, Section 82-612) and unanimously voted to select an artist following "direct selection" procedures. The primary reason for "direct selection" was to meet the design and construction schedules set by the City.

On November 4, 2005, the AiPP Committee met and short listed the following seven artists: Jonathan Borofsky, Teresita Fernandez, Sol LeWitt, Iñigo Manglano-Ovalle, Jorge Pardo, Jaume Plensa, and Kiki Smith. Subsequently, the members of AiPP reviewed the resumes of the seven artists focusing on: solo exhibitions, group exhibitions, public collections and public commissions. The Committee also sought an artist with an international reputation, that had completed public art projects and that could work within the \$500,000 project budget.

At the December 8, 2005 meeting, George Hargreaves, Hargreaves Associates (the City's Architecture and Engineering consultant for the South Pointe Park Project) explained to the AiPP Committee his vision for the Park, and recommended artists from the shortlist he felt were best suited for the project. Also in attendance at the meeting was Nury Menicucci, Project Manager, Capital Improvement Projects Office. At the meeting the AiPP members reviewed all the pertinent information regarding the seven artists and unanimously

Agenda Item CYA
Date 3-8-06

recommended in favor of allowing two artists, Iñigo Manglano-Ovalle and Jorge Pardo, to fully develop and present a complete proposal for South Pointe Park. These two artists were recommended based on the requirements established by the AiPP Committee that the artist have an international reputation, had completed public projects, could work within the \$500,000 budget and would enter a competition to create an original work.

(Teresita Fernandez was not available to work on a project during the proposed timetable. Jonathan Borofsky would not work with a budget of \$500,000. Sol LeWitt would not create an original work of art, and Jaume Plensa and Kiki Smith would not enter a competition).

The two finalists, Iñigo Manglano-Ovalle and Jorge Pardo, entered into agreements with the City of Miami Beach to develop and submit a proposal for a work of art for South Pointe Park by February 17, 2006. The artists were paid a fixed fee of five thousand dollars (\$5,000) and in exchange submitted the following to the City:

- A Proposal Narrative describing the Artist's design intent and drawings, graphic or other visual representation of the Work, together with such other data and graphic material as is necessary to portray the Work, Site preparation, permit the City to assess its feasibility, and its compliance with applicable statutes and ordinances.
- A Preliminary Budget outlining probable construction costs for the fabrication, delivery, Site preparation and installation of the Work. The Budget had to include applicable headings for all work to be performed by the Artist and any work to be subcontracted by the Artist, as well as any specialty items such as mock-up samples and models anticipated by the Artist to be part of the costs to fabricate and install the Work.
- The City's allotted budget for the Work could not exceed \$500,000, which total is all-inclusive of fees and expenses, including, but not limited to: (1) the Artist's fee and general overhead and operating costs, including any related travel expenses, from design through installation; (2) preparation of construction documents; (3) models, maquettes and/or material samples; (4) subcontracted professional design or engineering services; (5) subcontracted specialty manufacturing or trade services; (6) insurance; (7) permits; (8) surety bonds; (9) miscellaneous appurtenances (e.g. lighting enhancements for the Work); (10) taxes; and (11) a contingency allowance of no less than 2% of the total construction budget.

The Art in Public Places (AiPP) Committee requested that the Artist's Proposal include, at a minimum the following:

1. A presentation of the conceptual aspect of the Work
2. Sketch/drawings from various perspectives in-site and to scale
3. Maquette of the proposed Work
4. Detailed description of the proposed materials to be used including their durability and maintenance

As part of the fixed fee, the Artists were required to travel to Miami Beach to give personal presentations of the proposed Work, at the meeting of the AiPP Committee on February 23, 2006.

On February 23, 2006, artists Iñigo Manglano-Ovalle and Jorge Pardo each gave a thirty minute presentation to AiPP and discussed their proposal for South Pointe Park. The presentations included the aforesaid requirements.

PROPOSALS

Iñigo Manglano-Ovalle: "Drift"

(The following description of the project is taken from Mr. Iñigo Manglano-Ovalle's proposal.)

The "Drift" is a large-scale sculpture for the West Palm Lawns at South Point Park and is an elegant reproduction of an arctic iceberg based on scientific data of an actual phenomenon, sculpted in gleaming white marble with steel interior structure. The topographical data on the iceberg was created by the Canadian Hydraulics Center, of the Canadian National Research Council. The Canadian Hydraulic Center is the only scientific group to scan iceberg topography both above and below the ocean surface.

The size and scale of the proposed sculpture is determined by the site, large enough to be visible from a distance, but intimate enough to generate individual contemplation. The sheared wall of the sculpture faces southwest so that the light from the sunset over Biscayne Bay rakes its face. It is intended that the viewer understands the work as phenomena in its right. The viewer experiences the sculpture from the smooth backside first, the subtle waterline giving the optical illusion of the tilt. As the viewer tries to comprehend the sculpture and walks around it, they physically experience the sheared wall looming over them. The viewer can imagine the iceberg adrift in the currents of the Atlantic Ocean, being pushed by the wind into Government Cut and finally coming to rest on the shore of Biscayne Bay in South Pointe Park. The artwork is intended to coexist as architecture, art and landscape.

Jorge Pardo: "Mosquito Arbor"

(The following description of the project is taken from Mr. Jorge Pardo's proposal.)

The "Mosquito Arbor" would be an arbor constructed of plywood for the West Palm Lawns at South Point Park in the obvious image of the mosquito, which is the carrier of pathogens that bring diseases. In this case, the mosquito is in cahoots with the structure of a trellis or an arbor. The size of the arbor would be 92 feet by 92 feet with an estimated height of approximately 11 feet.

Historically, things that fly have been used to inspire buildings – an example being the TWA building at JFK designed by Saarinen. It is interesting to Jorge Pardo that within the tradition of abstraction one very regularly runs up against this antagonism directed to images of nature. Jorge Pardo is not, per se, interested in the natural as an idealized structuring element but rather how images of animals or insects and plants can be used to instrumentalize engagement in a more disorderly and direct way.

In this application the image of the mosquito is arbitrary. It is Jorge Pardo's interest that this work defines through the circulation of the pastoral and recreational (park experience) how people consume, develop, and finally make a civic image of something as arbitrary as the pesky mosquito of South Florida.

Following the presentations, AiPP Committee members were given an opportunity to ask the artists questions regarding their proposals. The committee ultimately voted 6-1 in favor of awarding the South Pointe Park public art commission to Iñigo Manglano-Ovalle for the proposed work of art entitled "Drift". The Committee felt this project will visually enhance the community, and by using the latest scientific and industrial technology, capture these ephemeral and natural phenomena to become a symbol of the City's connection to the complex global climate, as well as become an iconic image of Miami Beach and the South Pointe community. The one dissenting vote was Diane Star Heller who was not in favor of either project and wanted to start a new competitive process.

A projected time-line going forward on the project would be as follows:

- City Commission (Referral to Neighborhoods/Community Affairs Committee) - March 8, 2006
- Neighborhoods/Community Affairs Committee - March 22, 2006
- Presentation to the community – April 3, 2006
- DRB - April 4, 2006
- City Commission approval for award - April 11, 2006

CONCLUSION

The Administration recommends referral of the “Drift” design proposal (Exhibit “A”) to the Neighborhoods/Community Affairs Committee for discussion on the AiPP’s recommendation to award \$500,000 to artist Iñigo Manglano-Ovalle for artwork, installation, site preparation, enhancements, promotion, and contingency costs associated with said artwork.

JMG/HMF/MAS/dl

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Iñigo Manglano-Ovalle
1235 N. Rockwell
Chicago IL 60622
773 292-7372
imo@mindspring.com

City of Miami Beach
Art in Public Places
Attn: Dennis Leyva
1700 Convention Center Drive, 3rd Floor
Miami Beach, Florida, 33139
T 305 604 2777

February 10, 2006

Proposal for Art Project for South Pointe Park
by Iñigo Manglano-Ovalle

Location: West Palm Lawns at South Pointe Park, Miami Beach, Florida
Type of Artwork: Outdoor large-scale sculpture

The large-scale sculpture for the West Palm Lawns at South Pointe Park is an elegant reproduction of an arctic iceberg based on scientific data of an actual phenomena, sculpted in gleaming white stone.

My studio has been working with the Canadian Hydraulics Centre, of the Canadian National Research Council to acquire actual topographical data on a number of icebergs. The Canadian Hydraulics Centre is the only scientific group to scan iceberg topography both above and below the ocean surface. To survey topographical data Canadian Hydraulics Centre uses combination of radar and GPS stereo-photography above water and sonar echolocation below water. They have generously provided my studio with a number of data sets corresponding to icebergs that their group has scanned above and below the water line. My studio has already used one of these data sets to create an artwork titled using the scientific name of the actual iceberg, "Iceberg (r11i01)". R11i01 was originally scanned in the Labrador Sea. It is a formation that calved from the Greenland Ice-sheet and drifted to the coast of Newfoundland, Canada. The actual iceberg was 140 meters high, from the lowest point beneath the surface of the ocean to the highest point above water level. The artwork created from the data was scaled down to create a sculpture 8 meters high. R11i01 was constructed using 1651 aircraft aluminum tubes connected by 521 digitally printed rapid-prototype joints. R11i01 was installed in the Art Institute of Chicago January, 2005. (see image of this work installed at the Art Institute of Chicago)

For the South Pointe Park Project my studio proposes to collaborate with scientific groups, including the Canadian Hydraulics Centre, to capture another existing iceberg and thus present the City of Miami Beach with its own unique iceberg sculpture. (see renderings of proposed sculpture).

Icebergs are vessels set adrift and guided by two forces: current and wind. Scientists use maritime references of 'sail' and 'keel' to distinguish between the portion of the iceberg above versus below the water. Seventy-five percent of the mass of an iceberg lies below the surface of the water. As an iceberg approaches land, it's bottom will strike ground, causing it to tilt.

The size and scale of the proposed sculpture is determined by the site, large enough to be visible from a distance, but intimate enough to generate individual contemplation. It is important that there be a strong impression that the mass of stone continues deep beneath the surface of the ground. The sheared wall of the sculpture faces southwest so that the light from the sunset over Biscayne Bay rakes it's face. It is imperative that the viewer understands the work as phenomena in its own right. The viewer experiences the sculpture from the smooth backside first, the subtle waterline giving the optical experience of the tilt. As the viewer tries to comprehend the sculpture and walks around it, they physically experience the sheared wall looming over them. The viewer can imagine the iceberg adrift in the currents of the Atlantic Ocean, being pushed by the wind into the Government Cut and finally coming to rest on the shore of Biscayne Bay.

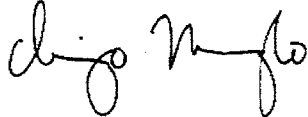
The sculpture is to be constructed from blocks of white stone, possibly marble. This stone will be carved using a combination of computer controlled milling machines and hand tools of master craftsmen. These modular units will be fitted together meticulously in order to reveal both the contour of the iceberg and the architectural grid of its assembly. Both the polished triangular facets of the carved surface and the grid of its modular assembly express the melding of natural form and cultural construction. The artwork is intended to coexist as architecture, art and landscape. The artwork's material may be stone but its real source is water and the forces of history and climate. Originally formed some 50,000 years ago, long before the advent of language, these natural bodies now drift into our global consciousness as we, with ever increasing concern, grapple with how the globalization of culture impacts our local environment. Using the latest scientific and industrial technology this ephemeral and natural phenomena is captured and through art is frozen once again into solid form to become a symbol of the city's connection to the complex global climate of art, nature and culture.

South Pointe Park is the ideal site for such a sculpture. Grounded at the southern tip of florida, the iceberg becomes an unnatural geological displacement that

lodges itself permanently into the psyche of the viewer. The working title of this sculpture, "*Drift*" is a metaphor that relates specifically to the ever expanding and fluid identity of Miami.

It is with great pleasure that I present this proposal to the City of Miami Beach in hopes that a new symbol can be generated that brings together the forces of nature, culture, and science to address the city's own place within the global climate of our time.

Sincerely,

A handwritten signature in black ink, appearing to read "Iñigo Manglano-Ovalle". The signature is fluid and cursive, with the first name "Iñigo" and last name "Manglano-Ovalle" clearly distinguishable.

Iñigo Manglano-Ovalle

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Art in Public Places
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T 305 604 2777

February 15, 2006

Addendum:
Proposed Materials
ADA Requirements
Proposal for Art Project for South Pointe Park
by Iñigo Manglano-Ovalle

Location: West Palm Lawns at South Pointe Park, Miami Beach, Florida
Type of Artwork: Outdoor large-scale sculpture

Proposed Materials

The sculpture's exterior shell will be composed of 8in. thick blocks of white marble. Each block is CNC milled for precision assembly in the site. Marble blocks are pinned and glued together to create self supporting structure. An inner steel structure is engineered to reinforce the exterior shell at critical areas. A concrete foundation and footings will support the sculpture and internal steel structure below grade.

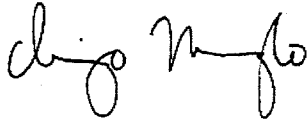
I am currently considering three varieties of white marble: Vermont, Alabama and imported Carrara. All three varieties have similar material properties and would be appropriate for the piece. Final selection of marble will be determined by the quality and cost after reviewing material samples and pricing with manufacturers.

Marble is a proven material that has extreme durability. The structure will be engineered to withstand extreme environmental conditions including hurricane wind loads and conform to all local structural codes. Marble surfaces can be readily cleaned with available commercial solvents and high pressure washers in the case of vandalism using paints. Scratches can be polished out to recover the surface integrity of the original work. Notwithstanding deliberate acts of vandalism, the sculpture is designed to be maintenance free.

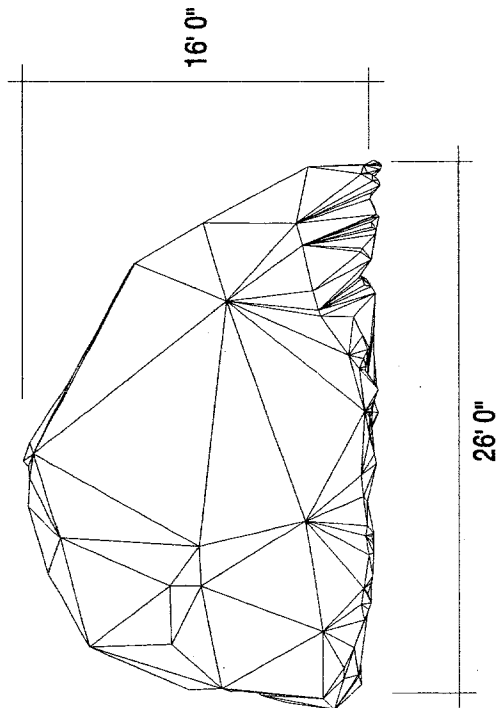
ADA Requirements

ADA requirements are not applicable to this work. 'Drift' is a freestanding structure placed within the parks landscape. As long as the surrounding landscape area is compliant with ADA standards the sculpture will be easily accessible.

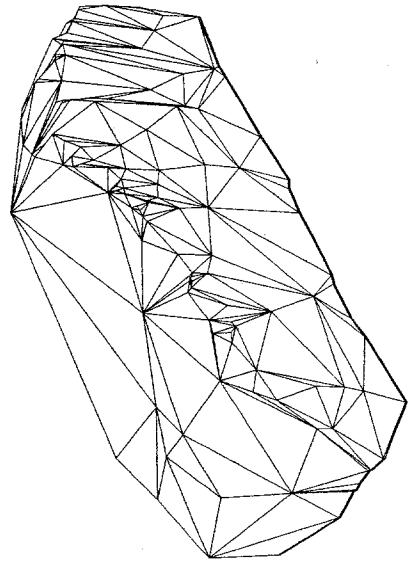
Sincerely,

A handwritten signature in black ink, appearing to read 'Iñigo Manglano-Ovalle', written in a cursive, fluid style.

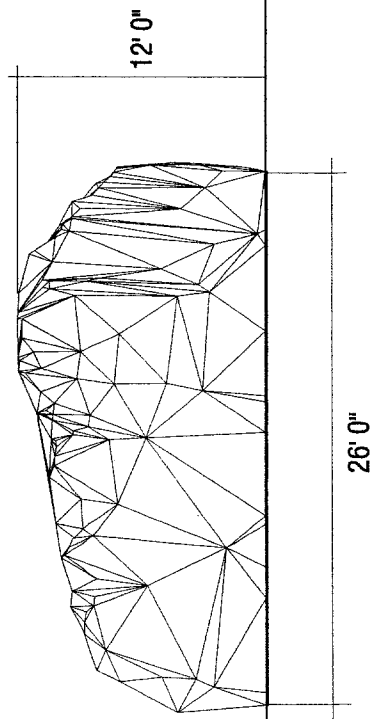
Iñigo Manglano-Ovalle



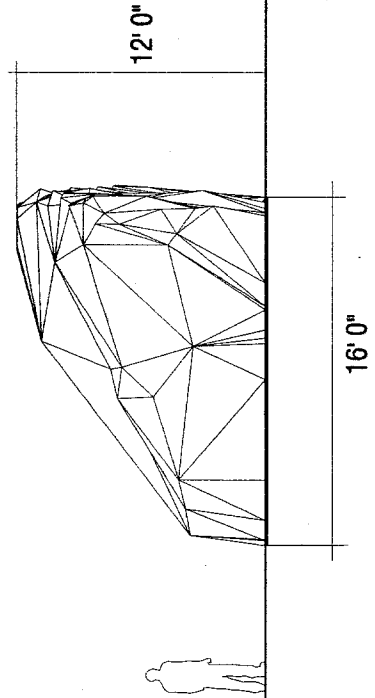
PLAN



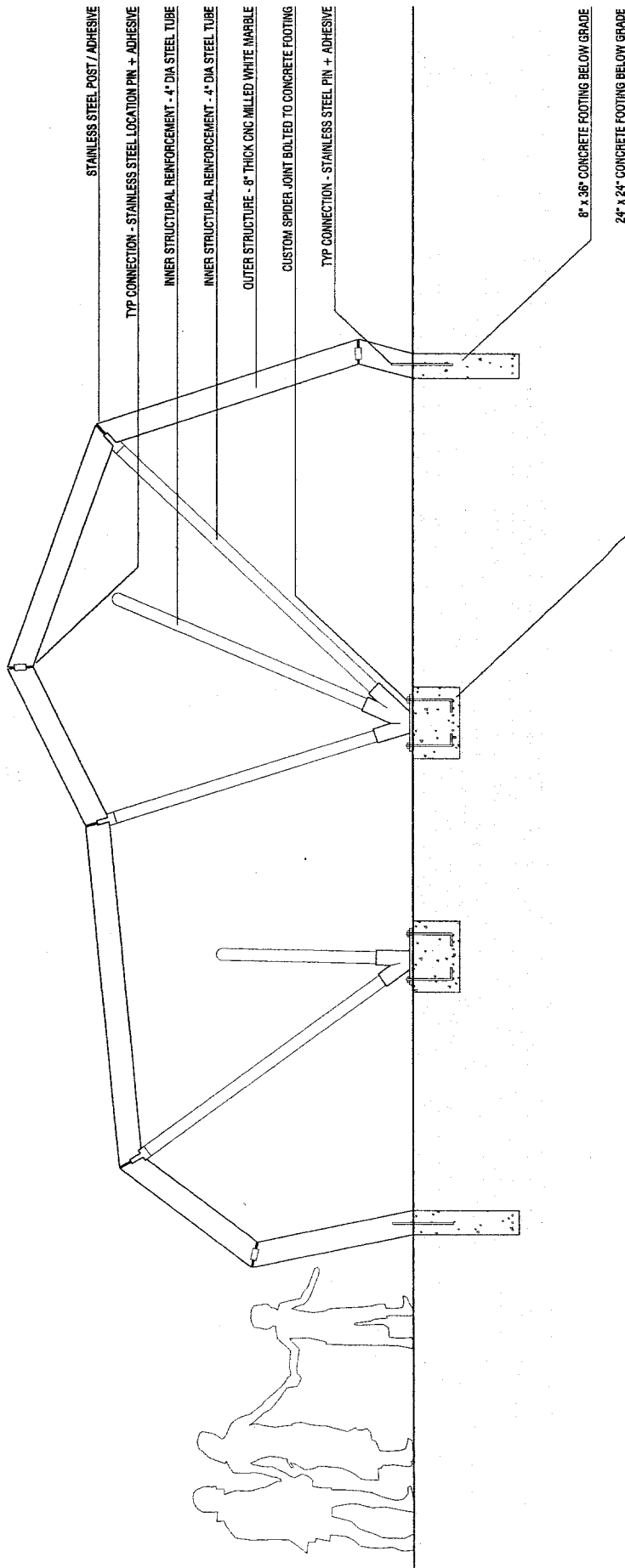
AXONOMETRIC VIEW

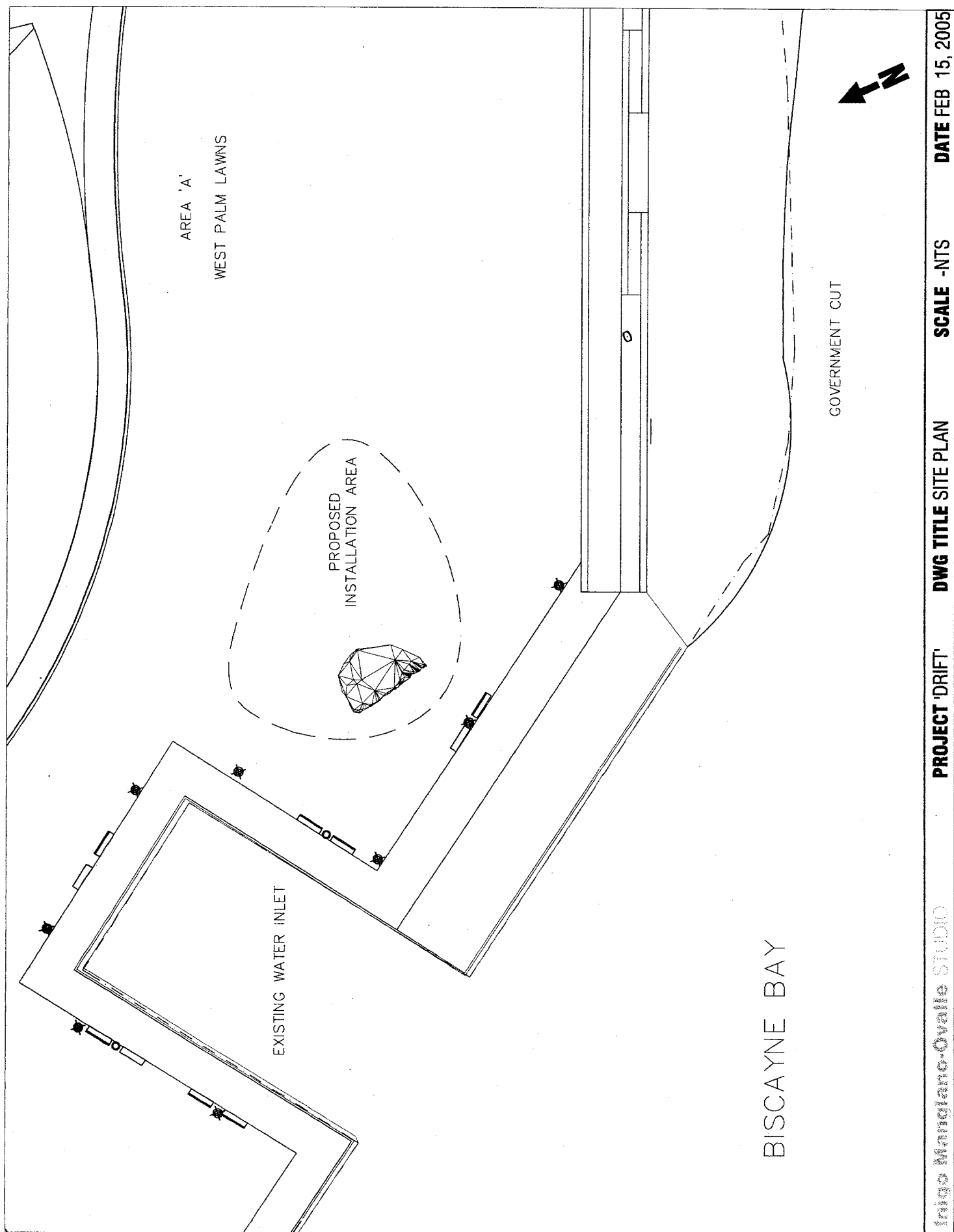


FRONT ELEVATION



SIDE ELEVATION





Preliminary Budget

'Drift' by Inigo Manglano-Ovalle

Proposal for Art Project for South Pointe Park

Raw Material Cost	
White Marble	\$110,000.00
Steel	\$6,000.00
Fabrication Cost (subcontracted)	
CNC Milling of Marble Blocks	\$140,000.00
CNC Cutting of Steel	\$12,000.00
Fabrication of Steel Frame	\$23,000.00
Fabrication of Fasteners	\$6,000.00
Preparation of Site and Foundations	\$10,000.00
General and Administrative Costs (subcontracted)	
Digital Design	\$15,000.00
Engineering Structure and Foundations	\$4,000.00
Construction Drawings for Fabrication	\$10,000.00
Project Administration	\$5,000.00
Construction Administration	\$5,000.00
Travel to Site	\$6,000.00
Shipping Materials to Site	\$8,000.00
Installation	\$80,000.00
General and Administrative Costs	
Artist Fee	\$60,000.00
Estimated Total Production Cost	
\$500,000.00	

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: March 8, 2006

SUBJECT: **REFERRAL TO THE FINANCE AND CITYWIDE PROJECTS COMMITTEE A DISCUSSION REGARDING EXERCISING THE RENEWAL TERM OF THE CITY'S AGREEMENT WITH SMG FOR THE MANAGEMENT AND OPERATION OF THE MIAMI BEACH CONVENTION CENTER, THE JACKIE GLEASON THEATER OF THE PERFORMING ARTS, COLONY THEATER, BYRON CARLYLE THEATER, AND LITTLE STAGE THEATER.**

ADMINISTRATION RECOMMENDATION:

Refer the item to the Finance and Citywide Projects Committee for discussion.

ANALYSIS

On September 7, 1990 the City of Miami Beach issued a Request for Proposals (RFP) for the management of the Miami Beach Convention Center (Center) and the Jackie Gleason Theater of the Performing Arts (TOPA). The bid was awarded to Spectacor Management Group (SMG).

On December 19, 1990, the City of Miami Beach entered into a Management Services Agreement with Spectacor Management Group (SMG) for the management of the Miami Beach Convention Center (MBCC) and the Jackie Gleason Theater of the Performing Arts (TOPA). The Agreement was for an initial term of three-years, commencing on January 1, 1990, and ending December 31, 1993. On June 30, 1993, the City exercised its option to extend the Agreement for two successive one-year terms covering the period of January 1, 1994, through December 31, 1995. On April 19, 1995, the City Commission approved the waiver of formal bidding procedures for the Management Contract, thus extending the Management Services Agreement with SMG, and approving a new Agreement for the period of October 1, 1995, through September 30, 1998.

On December 5, 1997, the City of Miami Beach issued Request for Proposals (RFP) No. 5-97/02, seeking proposals from qualified firms for the management and operation of MBCC and/or TOPA. On April 1, 1998, the City Commission adopted a Resolution for the Administration to enter into negotiations for a Management Services Agreement with the recommended firm of SMG pursuant to the recommendation of the City Manager and the Evaluation Committee. On July 15, 1998, the Mayor and City Commission adopted Resolution 98-22850 authorizing execution of an Agreement with SMG for three (3) years with two (2) one year renewals. On September 5, 2001, the Mayor and City Commission adopted Resolution No. 2001-24573 approving the two (2) one year extensions which expired on September 30, 2003.

Agenda Item CYB
Date 3-8-06

On January 8, 2003, the Mayor and City Commission adopted Resolution No. 2003-25107, which authorized the issuance of a RFP for the management and operation of (1) the MBCC and the Gleason, or (2) the Gleason only, with an option to manage and market other City Cultural Facilities to include but not limited to: the Byron-Carlyle Theater, the Rotunda, the Acorn Theater, the bandshell and/or the Colony Theater.

On October 15, 2003, the Mayor and City Commission approved Resolution No. 2003-25381, approving and authorizing the Mayor and City Clerk to execute a Management Agreement between the City and SMG for the management, promotion, and operation of the Miami Beach Convention Center (the Convention Center) and Jackie Gleason Theater of the Performing Arts (the Theater). Subsequently, on July 28, 2004, the City Commission approved Resolution No. 2004-25645 amending the management agreement between the City and SMG to include additional management oversight of the Byron-Carlyle, Colony, and Little Stage Theaters. The initial term of said agreement is set to expire on September 30, 2006. The agreement provides for two (2) additional one (1) year renewal terms, at the City's sole discretion. As evidenced by SMG's consistent performance, the Administration believes it is in the City's best interest to consider renewal of this agreement.

This matter was presented to the Convention Center Advisory Board as an informational item at their February 28, 2006 meeting. No objections were raised on a proposed renewal of the agreement.

CONCLUSION:

The Administration recommends referring this item to the Finance and Citywide Projects Committee for further discussion.

JMG/HMF/MAS

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **REFERRAL TO THE FINANCE AND CITYWIDE PROJECTS COMMITTEE A DISCUSSION REGARDING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE MANAGEMENT AND OPERATION OF PROFESSIONAL FOOD AND BEVERAGE SERVICES FOR THE MIAMI BEACH CONVENTION CENTER, WITH AN OPTION TO MANAGE FOOD AND BEVERAGE SERVICES AT OTHER CITY CULTURAL FACILITIES, IF DEEMED TO BE IN THE CITY'S BEST INTEREST.**

ADMINISTRATION RECOMMENDATION

Refer the item to the Finance and Citywide Projects Committee for discussion.

ANALYSIS

On December 17, 1986, the City of Miami Beach entered into an Agreement with Volume Services America for the preparation and delivery of food and beverage services for the Miami Beach Convention Center and the Jackie Gleason Theater of the Performing Arts. This initial term was in affect for fifteen (15) years through February 2002. On May 16, 2001, the City Commission passed Resolution No. 2001-24393, which exercised a renewal option to the Agreement with Volume Services America for an additional five year term, which expires on February 28, 2007. It should also be noted that in October 2004, Volume Services America changed the name of the company from Volume Services America Holdings, Inc. to Centerplate, Inc.


In February 2005, the City issued Centerplate a notice of default due to continued service deficiencies at the Miami Beach Convention Center (MBCC), but more specifically due to deficiencies experienced during the SAP Conference in January 2005. In accordance with the Agreement, Centerplate was provided with thirty (30) days to remedy the aforesated default. Subsequently, Centerplate made sufficient changes in staffing and operations which resulted in significant quality improvements to cure the default. Although the current agreement does provide for one additional renewal option of five years, considering that it has been twenty (20) years since the contract was publicly bid in the open market, the Administration believes it is prudent to issue a Request for Proposals to ensure that quality food and beverage concession services are available to the users and attendees of the Convention Center and cultural facilities.

This matter was presented to the Convention Center Advisory Board as an informational item at their February 28, 2006 meeting. No objections were raised to the recommendation to issue a competitive process.

Agenda Item C4C
Date 3-8-06

CONCLUSION:

The Administration recommends referring this item to the Finance and Citywide Projects Committee for further discussion.


JMG/IMP/MAS

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **REFERRAL TO THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE –
DISCUSSION REGARDING THE COMPOSITION OF THE TRANSPORTATION
AND PARKING COMMITTEE.**

ADMINISTRATION RECOMMENDATION

Refer the item to the Neighborhoods/Community Affairs Committee.

ANALYSIS

As a result of the Traffic and Parking Committee (TPC) having a difficult time achieving quorum for meetings on a regular basis, the Committee members asked to undertake a discussion on the composition of the Committee to remedy this problem.

Currently the TPC consists of nineteen (19) members, with the Mayor and City Commission making one appointment each (total of seven Commission appointees), and the remaining twelve (12) members being composed from members of different community organizations.

The Administration reviewed two basic options for the TPC members to assist in addressing their concern with achieving a quorum. In the same discussion, the Administration recommended changes to the Ordinance creating the TPC to clean up other parts of the Ordinance.

One of the options presented to the members of the TPC was to have the Committee follow the Board and Committee model that the Commission traditionally uses for Advisory Boards with all appointments made by the Mayor and City Commission. At the present time, the Mayor and City Commission each appoint one member to the TPC and if this model were followed, the Mayor and City Commission would appoint two members, which coincidentally matches the current number of members on the TPC. As the current active membership of fourteen members would match the revised membership there would not be a difficult or problematic phase in period for members if the TPC and Mayor and City Commission wish to follow this model.

This model would help the TPC in achieving a quorum by reducing their current total membership of nineteen (19) members to fourteen (14), thereby reducing their quorum requirement to eight (8) members.

The other model which was presented to and discussed by the members of TPC was to take their current method of appointment and reduce their membership and by extension their quorum requirement through elimination of some of the designated organizations that are currently not in existence. In the detailed review and discussion of the groups that are

Agenda Item C4D
Date 3-8-06

allocated a position on the TPC, five groups were deemed to be either out of existence or have not participated in the Committee's activities for a prolonged period of time. These groups are as follows:

- Washington Avenue Task Force
- South Pointe Advisory Board to the Redevelopment Agency
- Miami Beach Transportation Management Association
- Middle Beach Partnership, Inc., d/b/a/ 41st Street-Middle Beach Partnership
- Miami Beach Convention Center and Theater of the Performing Arts (SMG)

The Miami Beach Convention Center was added to the list of groups to be removed from the Committee not because of non-participation but rather because their role is more that of a contractor for the City and also quasi staff like in nature.

The Administration also recommended that in either of the models chosen that the Miami Beach Parking Director and the Transportation Coordinator as administrative persons be removed from the official membership of the Committee. This is consistent with other Committees in which a staff membership has been deleted.

The members of the TPC opted to remain with the current model of appointing Board members with one member by each of the Mayor and six Commissioners and one member from the remaining list of community based groups.

An Ordinance to implement the desired change will need to be considered by the members of the City Commission and will be drafted based upon direction received at the Neighborhoods/Community Affairs Committee. The Administration will invite the Chair and any other interested members of the TPC to attend the scheduled Neighborhoods/Community Affairs Committee meeting to share their thoughts with the members of the Neighborhoods/Community Affairs Committee.

 JMG/RCM/SF/sam

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager

CC: Murray Dubbin, City Attorney

FROM: Commissioner Matti H. Bower

M.H.B.

DATE: February 28, 2006

SUBJECT: **Discuss and refer item Height Variances, to the Land Use and Development Committee.**

I am requesting the City Commission to discuss and refer to the Land Use and Development Committee, an Ordinance prohibiting height variances without City Commission approval or public referendum.

In the interim, I would like the City Attorney's Office to draft an ordinance prohibiting height variances without either Commission review or public referendum.

I thank you in advance for your cooperation in this matter. If you have any questions please do not hesitate to contact my Aide Yvonne at extension 6091.

Thank you.

MHB/yws

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**CITY OF MIAMI BEACH
OFFICE OF THE CITY ATTORNEY**

MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Murray H. Dubbin
City Attorney 

SUBJECT: March 8, 2006 Commission Agenda Item

DATE: March 2, 2006

Please place on the next regularly scheduled Neighborhoods/Community Affairs Committee a discussion concerning amending Miami Beach City Code Chapter 2, Article VII, Division 5 thereof entitled "Campaign Finance Reform", sections 2-487 "Prohibited Campaign Contributions by Vendors", and 2-488 "Prohibited Campaign Contributions by Lobbyists on Procurement Issues", for the purposes of expanding the types of transactions in which the City must provide notice of its campaign finance laws.

Should you have any questions or comments, please do not hesitate to contact me.

Agenda Item C4F
Date 3-8-06

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **REPORT OF THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE
MEETING HELD ON THURSDAY, FEBRUARY 2, 2006.**

A meeting of the Neighborhoods/Community Affairs Committee was held on Thursday, February 2, 2006, at 2:30 pm in the Mayor's Conference Room. Commissioners in attendance: Luis R. Garcia Jr., Saul Gross, Matti H. Bower, Jerry Libbin and Vice-Mayor Richard L. Steinberg. City staff in attendance: Hilda M. Fernandez, Assistant City Manager, Tim Hemstreet, Assistant City Manager, Robert C. Middaugh, Assistant City Manager, Vivian P. Guzman, Director, Neighborhood Services Department, Janice Pye, Neighborhood Services Department, Randi MacBride, Neighborhood Services Department, Fred Beckmann, Director, Public Works Department, Jordana Rubin, Environmental, Public Works Department, Sgt. Paul Marcus, Miami Beach Police Department, John Heffernan, Office of the Mayor and Commission, Marlene Taylor, Office of the Mayor and City Commission, Yvonne Sepulveda, Office of the Mayor and City Commission, and Margarita Alcon, Office of the Mayor and City Commission.

**1. DISCUSSION REGARDING ALLOWING THE DOGS TO USE THE BEACH FOR
SWIMMING, NORTH OF SOUTH POINTE PIER.**

The item was introduced by Mr. Robert Middaugh, Assistant City Manager. Mr. Middaugh suggested opening the item for discussion only and then to continue it to allow for additional discussion. Commissioner Gross polled the audience and both the proponents and opponents of the dog beach were present for the discussion. Vice-Mayor Steinberg, the acting Chairman, stated the item was deferred but opened the floor to comments.

Roby Greer of the Responsible Dog Owners Association indicated he did not understand the current plan for South Pointe Park. There was at one time a plan to allow dogs to swim at the shell beach, but now it appears they may put rip rap there. Commissioner Gross asked about the wading pool. Mr. Middaugh indicated that the renovation plan originally included a wading area but that was removed due to costs. Furthermore, Mr. Middaugh indicated that there were issues to consider including the issue of cleanliness, hours of access and the issuance of permits. Commissioner Gross asked if it was possible to reconsider the wading pool in the great palm lawn area or the beach. Mr. Middaugh indicated that it was up to the Commission. Mr. Tim Hemstreet, Assistant City Manager, explained that the wading pool was dropped by the Commission. A discussion ensued regarding the use of a wading pool and utilizing the fountain's pumps and aeration.

Agenda Item CGA
Date 3-8-06

Mr. Frank Del Vecchio stated that the plan designated an area for dogs originally but now the City says that is no longer feasible. He went on to say that the park should have a fountain and a dog water area.

Commissioner Gross asked Ms. Hilda Fernandez, Assistant City Manager, how many permits were sold in Ft. Lauderdale. Ms. Fernandez stated that she would provide a full report on the Ft. Lauderdale Canine Beach permits to the Committee.

Harry Cherry suggested that the Health Department should be asked if there are any health concerns with dogs using the same area as humans. Erma Cordero, member of the Beach Preservation Committee for the last 3 or 4 years indicated that she is highly against the idea of allowing dogs on the beach as is the rest of her committee. Mr. Ruiz of ECOMB feels it is a health hazard for humans as many dog owners are not responsible. Mr. Greer responded that there is far more dog fecal matter by the doors of condos because of people who would never take their dog to the beach. Commissioner Garcia indicated he was involved in the mediation of the disagreement at Pinetree Park. He suggested an enclosed area would be best.

Erica Brigham suggested the contractor be tasked to put a ramp over the rip rap. Commissioner Libbin indicted that the real issue seems to be enforcement. A registration fee or license would be a means to pay for enforcement. Commissioner Garcia stated the commingling of dogs and people is not the answer. He wants an oceanfront dog park limited to dogs. Vice-Mayor Steinberg indicated that enforcement is a problem. There is no mechanism to collect the fine because judges will not hear these cases. Commissioner Bower stated that no one is enforcing the ordinance because the courts throw the cases out. Commissioner Gross suggested having the contractor explore a water feature. Vice-Mayor Steinberg indicated that he wants to continue the discussion to the next Committee meeting.

Commissioner Gross was concerned that any changes to the plans would have an impact on the scheduled review before the Design Review Board (DRB). He suggested that they turn the matter over to the contractor to come up with some suggestions. Commissioner Libbin inquired if it goes to DRB before we have a definite plan, is the option closed out? Mr. Hemstreet responded, no, that the matter can be brought back before the DRB for approval. Mr. Hemstreet said there may not be enough time to amend the plans before the meeting on Tuesday. It would be better to amend the permit once a final decision is made. Commissioner Libbin asked if they could give direction to put the dog feature in and not hold up the project. Vice-Mayor Steinberg directed staff go to the DRB without the dog feature and return for approval for the change.

There was no motion however, this item will return to the next Neighborhoods/Community Affairs Committee for further public discussion and a report on the Ft. Lauderdale Canine Beach permits.

2. DISCUSSION REGARDING THE SEXUAL PREDATOR ORDINANCE.

Commissioner Gross started the conversation and suggested that we opt out of the Miami-Dade County ordinance. Commissioner Garcia indicated that he hoped we had looked at the financial implications of this ordinance. Specifically, if the City ordinance is enforced, then the City would ultimately be responsible for the prosecution.

Sgt. Paul Marcus, Miami Beach Police Department, stated that the City ordinance was very detailed and might need to be amended to include some of the items found in the County ordinance. He further stated that there are currently 23 offenders living in the City and each has been visited by a Miami Beach Police Officer. Commissioner Garcia asked Sgt. Marcus what the current level of concern was among the police officers. Sgt. Marcus indicated that there was some confusion because originally they were told to enforce the City ordinance and then told not to enforce it. Having both ordinances on the books is confusing. Ms. Hilda Fernandez, Assistant City Manager, stated that if the City decides to opt out of the County ordinance we must do so by Feb 25, 2006, however, the City ordinance may be amended.

Mr. Murray Dubbin, City Attorney, briefly explained the differences between the City and County ordinances. He indicated the City ordinance is more restrictive in regards to distance separation and the County ordinance is more detailed. He further indicated that the City could reject the County ordinance and amend the City ordinance. Commissioner Garcia made a motion to do that. Vice-Mayor Steinberg seconded the motion with a friendly amendment to strengthen the City's ordinance.

Mr. Dubbin indicated he felt the City ordinance was tougher than the County ordinance. Commissioner Garcia stated that we are opting out and bringing the strongest points to the City ordinance. Commissioner Gross suggested speaking with the Mayor first since he had sponsored the ordinance. Mr. John Heffernan, Aide to Mayor Dermer, indicated that the Mayor was in favor of opting out. Commissioner Garcia made a motion to opt out. Commissioner Bower asked if we could make our ordinance less restrictive. Commissioner Garcia suggested opting out now and bringing it back at the next meeting. Vice-Mayor Steinberg seconded the motion but added he wanted the City's Legal Department to review the existing ordinance and in the areas in which the County ordinance was more stringent than ours that the Administration should draft the amendments to bring it in line with the County ordinance. Vice-Mayor Steinberg further stated that since this is an item of great concern for the community, the City should adopt the more stringent parts of the County ordinance. Otherwise, it could send the wrong message to the residents of Miami Beach. Furthermore, Vice-Mayor Steinberg indicated that he would vote against the motion to opt out if we don't take a serious look at the areas of the City's ordinance that are weaker than the County ordinance. Vice-Mayor Steinberg specifically mentioned the section of the County ordinance which prohibits sexual predators from entering a park when there are unescorted children present in the park. Commissioner Garcia stated that if we do not opt out then we are weakening our ordinance.

Mr. Dubbin recommended opting out and then request that the Administration prepare proposed amendments that blend the desirable elements from the County ordinance into the City ordinance. Commissioner Bower asked if the City opts out can we make our ordinance weaker than the County ordinance. Mr. Dubbin answered yes. Commissioner Bower then asked who would be responsible to defend the ordinance if challenged. Mr. Dubbin stated that both the City and the County would have to defend their ordinances. Commissioner Libbin stated that the City Attorney's Office would not know the will of the Commission until there was a discussion. Commissioner Garcia suggested not trying to rewrite the ordinance in a committee meeting and make a motion to opt out of the County's sexual predator ordinance. Vice-Mayor Steinberg suggested that the motion include amendments to the City ordinance and to direct Legal to bring forth amendments to the City's sexual predator ordinance.

Commissioner Libbin made a motion to opt out of the County's sexual predator ordinance and have the proposed amendments brought back to the Neighborhoods/Community Affairs Committee for discussion. The motion passed unanimously.

3. DISCUSSION OF ISSUANCE OF AN RFP FOR FEASIBILITY STUDY OF UNDERGROUNDING UTILITIES IN THE CITY OF MIAMI BEACH.

The item was introduced by Ms. Kathie Brooks, Director, Office of Budget and Performance Improvement. Ms. Brooks indicated that the underground lines would be completed in phases specifically two phases. The first phase will look at the feasibility of undergrounding utilities and will look at existing conditions and constraints.

Vice-Mayor Steinberg asked if it was possible to look at the cost first for this project. Furthermore, Vice-Mayor Steinberg stated if the projected cost in phase one is prohibitive and the City cannot find a funding source, would it still make sense to continue phase two. Ms. Brooks stated that this can be done and elaborated on what are the special conditions and circumstances with undergrounding in Miami Beach. Commissioner Libbin inquired into what exactly are the special conditions. Ms. Brooks stated that because Miami Beach is a barrier island there is an issue with flooding and undergrounding. Mr. Middaugh interjected that there also seemed to be issues with FPL and their desire to not move forward with undergrounding. However, Mr. Middaugh stated that they received a letter from FPL yesterday stating that FPL was willing to explore undergrounding but under certain conditions it may include compromising some of the City's rights-of-ways in order to get the undergrounding completed.

Commissioner Gross expressed concerns with adding this project to the current list of ongoing CIP projects which are so numerous that it could overwhelm the department. Commissioner Gross stated that it could be a logistical nightmare to coordinate all the CIP projects and undergrounding. Commissioner Libbin stated that there are additional issues including the connection fee for the residents and the possibility of having to upgrade existing residential electrical systems, which is extremely costly to homeowners. Commissioner Gross stated that during the last hurricane season, he was under the impression that the real issue was the regional distributions (feeder lines) not the individual connections. Mr. Fred Beckmann, Director, Public Works Department stated that FPL has stated that they would be upgrading the feeder lines in Miami Beach.

Commissioner Libbin made a motion, seconded by Vice-Mayor Steinberg to hire a consultant and bring this matter back before the Committee. The motion passed unanimously.

JMG/HMF/PG

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MIAMIBEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

FEBRUARY 2, 2006

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX / EMAIL
CARMEN R. SCHAFER	Resident	305-673-3672	schaferc@aol.com
Joe Andrews	SERGEANT Police	305 673 1776 x5400	joandrews@miamibeachfl.gov
MARVIN STULMAN	Resident	786-276-9300	Marushul@aol.com
Ruth Remington	Resident	305.695.1711	RemingtonMiami@aol.com
HARRY S CHERRY	Resident	305-531-0622	hcherry812@earthlink.net
JOHN HEFFERNAN	CMB	3 7035	johnheffernan@miamibeachfl.gov
Roby Green	Responsible dog owners	786 473 6165	robbygreen@earthlink.net
Daniel Veitia	NADC	305 319 3408	dveitia@earthlink.net
Erika Brigham	RESIDENT	305 531 6363	ERIKAB@THE-BEACH.NET
JAN ZYGE	NSD	7077	



MIAMI BEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

FEBRUARY 2, 2006

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX / EMAIL
Fred Beckmann	CMB / Public Works	305-673-7080	
Marlene Taylor	Mayor + Commission	305-673-7103	marlene-taylor@miamibeachfl.gov
Jordana Rubin	Environmental / PW - CMB	305-673-7080	Rebecca Rubin@miamibeachfl.gov
Tim Hemstreet	CMB / CMO	305-673-7010	themstreet@miamibeachfl.gov
Yvonne W Sepulveda	Mayor + Commission	305-673-7030	YvonneSepulveda@miamibeachfl.gov
Luiz RODRIGUES	ECONOM	305-534-3825	ECONOM@ECONOM.ORG
ANA Cordery	Beach Preservation	305-744-1009	
Marguerite Alcon	CMB / Mayor + Com	6743	
FRANK DEL VECCHIO	301 OCEAN DRIVE, SOUTH POVER	305-672-2986	frankdelvechio@att.net
Saul Gion	MB Commission	305-673-7104	saul@miamibeachfl.com



MIAMI BEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

FEBRUARY 2, 2006

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX / EMAIL
Luis Garcia	City Commissioner	305-673-7105	
Robert McDaniel	CMB	7010	
Teray Libair	CMB	(305) 673-7070	
Mattie Barnes	CMB	305 673 7030	
Richard Shiner	CMB	305-673-7003	
Hilda M. Fernandez	CMO	305. 673. 9010	
Chotilde Luce	citizen	538 6707	
Vivian Guzman	CMB	7077	

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **REPORT OF THE GENERAL OBLIGATION BOND OVERSIGHT COMMITTEE MEETING ON FEBRUARY 6, 2006**

The General Obligation Bond Oversight Committee ("Committee") met on February 6, 2006. At the meeting, the Committee considered the following issues.

The Committee postponed the review of the minutes from the January 9, 2006 General Obligation Bond Oversight Committee meeting until the next meeting due to some members not receiving a hard copy of the agenda before the meeting.

CONTINGENCY REPORT

Mr. Jorge Chartrand, Director of the Capital Improvement Projects (CIP) Office, informed the Committee that no new change orders or Additional Services were approved since the last report.

DISCUSSION ITEMS

An impromptu discussion took place as to whether or not positions filled by other committees and/or organizations could be filled by neighborhood representatives if such a committee or organization could not provide a member willing or able to meet the attendance requirement of the GO Bond Committee. This discussion was prompted by the lack of regular attendance from some such members. The Committee then agreed that, knowing the size of committees or organizations that have seats on the GO Bond Committee, it would be unlikely that any one of them would not be able to meet the commitment. Therefore, it would be unnecessary to reach out to the community to fill seats other than the six neighborhood seats already on the Committee.

A. Annual Report:

The Administration reviewed the Project Status and Timelines, as distributed.

The Committee discussed the causes for the delays in the program. Coupled with the additional underground work and design changes, the Committee recognized that the shortage of Project Managers/Coordinators in the CIP Office has added to the delays. A Committee member advised that a workshop was planned to address the staffing needs within the CIP Office on March 1, 2006. After a discussion, the Committee decided that it would prefer to cancel its regularly scheduled meeting in March and instead, encourage its members to attend the CIP workshop. The Committee noted that the information gained at such a meeting will help guide their future planning.

Agenda Item C6B
Date 3-8-06

The Administration advised the Committee that the members will be notified via e-mail once the time and location of the CIP workshop has been determined.

The Committee also questioned twelve month gaps between Design and Permitting and Bid and Award. The Administration explained that projects later in the program were impacted by reprogramming of funds, but it was necessary to keep the Design and Permitting process on schedule. The Committee asked if all such projects were neighborhood projects. The Administration confirmed that they were. The Committee suggested that the Project Timeline be added to the website.

The Committee asked what percentage of the GO Bond neighborhood projects represent with respect to the entire CIP workload. The Administration said that it could provide this information at the next meeting.

B. Parking Space Analysis:

The Administration reviewed the on-street parking space analysis with the Committee. The Administration explained that the study was for legal on-street parking only; it did not include illegal or informal parking, such as in the swale.

A Committee member recommended that the total parking should be expressed in linear feet, not number of spaces. The Administration explained that although most of the parking is parallel to the curb, some of the parking in the study is angled parking; thereby the linear feet of parking space may not provide a fair comparison.

The Committee inquired as to where eight parking spaces were gained from a current number of zero in the La Gorce neighborhood. In addition, the Committee wanted to know if they would be metered.

The Administration stated that they were in the 51st Street area, but would have to provide the exact location and whether or not they would be metered at the next meeting.

The Committee suggested that the BODR consultants should be more knowledgeable regarding the impact to parking in the neighborhoods.

PROJECT STATUS REPORT

The Administration advised the Committee that progress continues at **Fire Station No. 2**; the interior work, though currently behind schedule, should be able to catch up.

Fire Station No. 4's progress continues to lead **Fire Station No. 2**, with an expected completion date of late spring or early summer.

The Administration apologized for forgetting to invite Kevin Smith, the Director of Parks, to the meeting in order to discuss the recreational schedules for this summer at **Normandy Isle Park and Pool**, but advised the Committee that he will be invited for the next meeting.

INFORMATIONAL ITEMS

The updated Calendar of Scheduled Community Meetings was presented but not reviewed.

The Committee and Administration briefly discussed the design of **South Pointe Park** which was planned for Design Board Review the following day. Specific concerns were in regard to whether or not a final dog/saltwater access plan will be presented and the status of the walkway and terrace near Smith and Wollensky.

The Administration advised that the design for the dog access to the saltwater will not be finalized in time for the meeting. The Administration added that the walkway adjacent to Smith and Wollensky would not be lowered and that the terrace was still planned.

The Committee adjourned at 7:05 PM after reminding the members that the next meeting would not be until April 3, 2006.

JMG/TH/JECH/GOL

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: March 8, 2006

SUBJECT: **REPORT OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE
(COMMITTEE) MEETING OF FEBRUARY 16, 2006.**

OLD BUSINESS

1. Discussion regarding the capacity to issue additional Water and Sewer Revenue Bonds.

ACTION

The Committee moved the item to the full Commission approving the refinancing of the outstanding Series 1995 Water and Sewer Revenue Bonds along with the issuance of \$23 Million in new money.

Chief Financial Officer Patricia D. Walker introduced the item. Ms. Walker advised that the City has the capacity to finance approximately \$67-69 million beyond the \$23 million currently being discussed without further increasing Water and Sewer rates.

Mr. Dick Montalbano, Managing Director of RBC Dain Rauscher, further explained the City's capacity for additional financing. He explained that to conservatively hedge against future rate increases, the calculation presented assumed both flat revenues as well as a 1.25 coverage requirement, which is greater than the required 1.10 coverage.

Following a discussion, it was agreed that further discussion on project sequencing and other related CIP issues will take place during the March 1st Commission Workshop.

The committee unanimously approved the refinancing of the outstanding Series 1995 Water and Sewer Revenue Bonds including the issuance of \$23 Million in new money.

2. Discussion regarding an effort to create workforce housing in Miami Beach.

ACTION

The Committee recommended that the City lobbyist work with our state legislators to see if there are any strikeover provisions or bill slots available to submit Commissioner Libbin's portability bill proposal as an alternative to the other portability bills currently in the legislature.

Agenda Item C6C
Date 3-8-06

Economic Development Division Director Kevin Crowder summarized the item which was referred from the January 19th, 2006 Finance and City Wide Projects Committee meeting for further discussion.

Commissioner Jerry Libbin recommended that the city create a bill which provides for funding of affordable workforce housing as a component of his portability proposal, and present it to Tallahassee. He stated that it is getting harder to find affordable workforce housing within the City; as a result, people have to commute further distances to get to work. This makes it more difficult to hire quality employees. He felt very strongly about this issue and suggested that the City should consider City owned land to build workforce housing.

The Committee then discussed at length several scenarios related to portability and workforce housing. Commissioner Jerry Libbin also gave specific examples on how to apply his proposal. Commissioner Bower expressed concern with the City recapturing the value of workforce housing when the property is sold.

Chairman Saul Gross stated that he sees workforce housing potentially as a rental property that would be owned by the City and rented at below the market rate. Commissioner Bower stated her concern about the income required to qualify for workforce housing. Mr. Crowder stated income levels for single and family units used to qualify for HUD housing. He further stated that the income level is \$33,000 to qualify for a one bedroom condo, but that it also depends on the industry workforce needs. Commissioner Libbin suggested that we consider an additional \$30,000 above the HUD income level.

Commissioner Jerry Libbin stated his proposal is to amend the State Constitution to provide for a transfer of tax basis on homesteaded properties and provide that any increase in property tax based on a new purchase be capped at no more than 25% of what the increase would have been otherwise. He further suggested that half of that additional amount be used to assist in the implementation of workforce affordable housing program which may assist individuals who meet certain criteria; the other half of the 25% increase would be kept by the taxing jurisdictions.

Chairman Saul Gross recommended that the bill for workforce housing and portability had a better chance of passing if presented in separate bills. Mr. Crowder stated that it is difficult to draft a bill to separate the issues when there is no definition for workforce housing currently in the legislature.

City Manager Jorge M. Gonzalez made a recommendation to the Committee to advise the City's lobbyist to work with our legislators to see if there were any strikeover provisions or bill slots available so that they can submit Commissioner Libbin's portability bill as an alternative to the other portability bills currently in the legislature.

NEW BUSINESS

3. Discussion regarding policy and criteria for the distribution of Pay-As-You-Go Capital Funds.

ACTION

The Committee moved the item to the full Commission approving the proposed distribution of Pay-As-You-Go Capital Funds.

Budget and Performance Improvement Director Kathie Brooks presented the proposed additional Pay-As-You-Go Capital Fund appropriations for FY 2005/06. The Pay-As-You-Go Capital Fund was approved with the FY 2005/06 Budget in support of structural changes including new areas of capital funding that will help ensure the long term fiscal health of the City and sustainability of City assets by continually reinvesting in these assets.

The projects presented by Kathie Brooks met the policy and criteria previously agreed upon by the Commission during the budget development process:

- Address unfunded new projects recommended or approved in concept by the Commission;
- Address new or additional scope for previously funded projects;
- Address additional funding needs for previously approved capital projects, i.e. cost increases associated with approved Basis of Design Reports (BODRs) that are completed prior to going out for bid, many of which are due to the increased cost of construction (e.g., due to increases in the cost of concrete, high demand for construction services in the local area, etc.)

Kathie Brooks presented the following projects to be funded by the Pay-As-You-Go Capital Funds for FY 2005/06:

<u>Recommended Project</u>	<u>Recommended Appropriation</u>
Sidewalk and Street Restoration in North, Mid, and South Beach.	\$210,000
Normandy Isle Neighborhood Improvement @ 90% Design	\$875,000
Fire Station 2 FF&E	\$210,000
Fire Station 4 FF&E	\$210,000
Flamingo Park – Pool Deck Lighting	\$125,000
Scott Rakow Youth Center Additional improvement	\$2,000,000
Total	\$3,630,000

Public Works Director Mr. Fred Beckmann showed a map highlighting the areas where the sidewalk and street restoration work would be done on the particular projects.

Commissioner Libbin questioned if using the money so early in the year would be the best approach, in terms of completing necessary projects. Jorge M. Gonzalez City Manager assured him that projects funded by Pay-As-You-Go Capital funds are only for projects that do not have any other funding source. He further stated that the procedure for recommending future Pay-As-You-Go Capital Funding appropriations is being established by a capital task force.

Commissioner Bower asked that additional lighting at Flamingo Park outdoor courts be considered as a project for Pay-As-You-Go Capital Funds. Jorge M. Gonzalez City

Manager stated that he would address the issue during the Flamingo Park renovations.

The Committee moved to approve the proposed distribution of Pay-As-You-Go Capital Funds presented.

- 4. Discussion regarding the Collins Avenue and 13th Street Joint Venture Proposal in response to request for Proposals No. 20-97/98 Issued for the Development of Public/Private Parking Facilities in Miami Beach South of Dade Boulevard in 1997.**

ACTION

The Committee moved the item to the full Commission rejecting the bids for the fourth and fifth ranked firms of the Joint Venture Proposal No. 20-97/98 Issued for the Development of Public/Private Parking Facilities in Miami Beach South of Dade Boulevard in 1997.

Chairman Saul Gross presented the item. Attorney Mr. Jeff Berkow representing The Suchman Retail Group gave a brief history to the Committee. He maintained that, although they were the fifth ranked firm, the City recommended entering into negotiations with them as part of the Joint Venture Proposal No. 20-97/98 Issued for the Development of Public/Private Parking Facilities in Miami Beach South of Dade Boulevard in 1997. It was changed later in the same Commission meeting to only the first three ranking companies, leaving the Collins and 13th Street Joint Venture out of the ranking. Mr. Berkow stated that The Suchman Retail Group still has standing based on the original decision made by the Mayor and the Commission.

The Committee proposed that they reject the bids for the fourth and fifth ranked firms of the Joint Venture Proposal No. 20-97/98 Issued for the Development of Public/Private Parking Facilities in Miami Beach South of Dade Boulevard in 1997.

- 5. Discussion regarding Domestic Partner Benefit Coverage Termination – Miami Beach Fraternal Order of Police Health Trust/Fire Fighters Insurance Trust.**

ACTION

ITEM DEFERRED

- 6. Discussion regarding the issuance of a new Request For Proposal for The Management and Operation of 1) Green (Farmers) Market on Lincoln Road; 2) Street Market on Espanola Way; 3) Street Market in Normandy Village; and 4) Antique And Collectibles Market on Lincoln Road.**

ACTION

The Committee chose not to take any action at this time pending the meeting of the Neighborhoods / Community Affairs Committee on February 22, 2006.

Asset Manager Joe Damien introduced the item. He explained that there are four different markets 1) Green (Farmers) Market on Lincoln Road; 2) Street Market on Espanola Way; 3) Street Market on Normandy Village and 4) Antique & Collectibles Market on Lincoln Road and that their contracts will expire March 31, 2006 except for the Antiques & Collectibles Market, which expires on September 30, 2006. Mr. Damien stated if these markets should continue to operate and, if they were accomplishing what

was originally intended.

Mr. Damien further stated that although there are 4 different markets, the ones that really have issues are the Farmers Market and the Antique & Collectibles Markets both located on Lincoln Road.

Mr. Damien explained that one of the issues caused by the markets is the sidewalk café space available for outside tables which is greatly reduced by the markets and the other significant issue involves increased traffic in the road competing with existing retail locations.

Mr. Damien further explained that there are several factors to consider in reaching a decision as to continuing or discontinuing the Markets:

- Whether the original purpose for the Markets (commercial revitalization) is still valid, and if not, should the markets be continued?
- Are there alternate locations that should be considered for the Markets?
 - In the past there have been discussions about possibly initiating programs in the area of Collins Avenue and 72nd & 73rd Streets, Ocean Terrace, or other alternate locations.
 - Additionally, the City has identified the Collins park area as a neighborhood that is experiencing a significant lack of business providing neighborhood goods and services. An activity generator, such as a farmers market, can serve to increase consumer traffic to this type of area resulting in a better market position for the recruitment of permanent retail uses to serve the areas increasing resident and visitors population.
- What type of markets(s) and /or product mix (associated therewith) should there be? If it is determined that markets should be pursued via the issuance of a new RFP, then the following is recommended:
 - Market type and product mix should be clearly delineated with no miscellaneous categories, with the City retaining the right to approve changes to said product mix. The current agreement for Farmers Market on Lincoln Road and the Street markets on Espanola Way and Normandy provide for some limited flexibility regarding miscellaneous items associated with the respective market themes and category of items allowed to be offered for sale. There has been disagreement between the City and the respective market operator as to what should be permitted within these miscellaneous categories.
- What process should be used to manage and operate these markets? If it is determined that markets should be pursued, the following are recommended:
 - Have the local merchant associations assist with conflict resolutions.
 - Require that all and/or a significant number of adjacent Property owners approve the market programs and require that all of their respective tenants agree to same in writing.

- That month-to-month extensions should be authorized for those Concessions Agreements that are scheduled to expire, until such time as the applicable RFP(s) is/are awarded.

Commissioner Bower pointed out that the Markets were designed to bring traffic to these areas. The markets have accomplished the job, so is it necessary to continue to have the markets and what will be the impact of not having the markets. Commissioner Bower voiced concern that the markets might have outgrown their purpose.

Commissioner Libbin suggested that the Markets located on Espanola and Normandy should remain open and that they should find an appropriate location for the Lincoln Road Market.

There were a number of representatives from restaurants, markets and other business owners speaking in support of and against keeping the markets. Among them, Mr. Luis Stein whose business is located at 531 Lincoln Road who was against keeping the Antique & Collectible market on Lincoln Road. He placed emphasis on the quality of products offered and the people that this market is attracts to the area. He explained that these shoppers are looking for a bargain and over crowding their businesses.

A representative from the Antique & Collectibles market, Toni Angione, spoke as to the quality of the products offered at the markets. He made clear that the legitimacy of his vendors should not be questioned because 132 of his 160 vendors are the same vendors used by the City at the Antique & Collectible Shows held at the Convention Center. Nonetheless he was willing to reach a compromise so that his business can continue to operate on Lincoln Road. He suggested that if the Committee votes to move the market, he would like to maintain a presence on Lincoln Road or nearby so he can keep the name of the business, as Lincoln Road Antique & Collectibles Market.

Suggestions where exchanged as to possible locations to relocate the Antique & Collectibles Market. Chairman Gross suggested the Collins Park Area and others mentioned ocean front locations such as Ocean Terrace and the Beachwalk.

After further consideration, Vice-Chairman Steinberg made a motion that this item be addressed by the Neighborhoods/Community Affair Committee which is scheduled for February 22, 2006.

JMG/PDW/rs/ka

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **REPORT OF THE MINUTES OF THE LAND USE AND DEVELOPMENT COMMITTEE MEETING OF MONDAY, FEBRUARY 27, 2006.**

A meeting of the Land Use and Development Committee was held on Monday, February 27, 2006 at 4:00 p.m. in the City Manager's Large Conference Room. The following were in attendance: Commissioners Mattie Bower, Luis R. Garcia, Jr., Saul Gross and Jerry Libbin. Members of the City administration and the public were also in attendance, see sign in sheet attached. The meeting was called to order at 4:10 p.m.

NEW BUSINESS

1. **DISCUSSION REGARDING THE CREATION OF AN ORDINANCE AS REQUIRED BY THE CITY CHARTER, ESTABLISHING CRITERIA FOR PLANNING BOARD APPROVAL OF THE DISPOSITION OF CITY PROPERTY.** Referral from the January 11, 2006 City Commission meeting.

ACTION: The Committee discussed the existing review criteria contained in section 82-38 and instructed the Administration to prepare an ordinance using criteria 1, 2, 3, 4 and 6, as refined, and presented to the Committee, for the purpose of the Planning Board's review and approval of the sale and lease of City owned land and refer the ordinance to the Planning Board.

2. **DISCUSSION REGARDING ORDINANCE AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82, "PUBLIC PROPERTY," ARTICLE II, "SALE OR LEASE OF PUBLIC PROPERTY," SECTIONS 82-36 THROUGH 89-40, TO EXPAND THE APPLICABILITY OF THE ORDINANCE TO INCLUDE VACATIONS OF EASEMENTS, ALLEYS, RIGHTS-OF-WAY, OR ANY OTHER CONVEYANCE OR REDUCTION OF THE CITY'S INTEREST IN REAL PROPERTY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE** Referral from the January 11, 2006 City Commission meeting.

ACTION: Item forwarded to the full Commission for second reading at the March 8, 2006 meeting.

3. **DISCUSSION ON THE ISSUE OF REQUIRING TERM LIMITED MEMBERS OF LAND USE BOARD TO NOT BE ELIGIBLE FOR RE-APPOINTMENT TO ANOTHER LAND USE BOARD FOR A PERIOD OF ONE OR TWO YEARS.** Referral from the January 11, 2006 City Commission meeting.

Agenda Item CGD
Date 3-8-06

ACTION: Commissioner Libbin introduced the item. After discussion the following motion was made instructing the Administration to prepare a set of ordinances that accomplish the following:

1. Members of Boards that require Commission appointment will be term limited after six years of cumulative service. After which such individual shall not be eligible to serve on any other such board. An exception to the above will be made for technical positions, such as architects, which will be eligible to serve on another board after their term limits if a gap of four years has elapsed.

2. Review the residency requirements in the Land Development Boards. Any non-technical positions should have a residency requirement. Technical positions should have a preference for residency which may be waived by the Commission if deemed necessary.

Any ordinance amending the Land Development Regulations shall be forwarded to the Planning Board for their review.

4. DISCUSSION ON POSSIBLY CANCELLING THE MARCH 13, 2006 LAND USE AND DEVELOPMENT COMMITTEE MEETING.

ACTION: The Committee agreed that since the February meeting was held today, the next meeting of March 13, 2006 would be cancelled and the next meeting will be on Monday, April 10, 2006 at 4:00 P.M.


JMG/BJG/lr
Attachments

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

February 27, 2006 @ 4:00 P.M.

City Manager's Large Conference Room

Attendance Sheet

NAME	E-MAIL ADDRESS	CONTACT NUMBERS	FAX NUMBER
1. Jorge Gomez	JGOMEZ@miamibeachfl.gov	8-7550	7559
2. Mecey Lannazaro	mlannazaro@miamibeachfl.gov	8-7550	
3. Gary Held	@	8-6532	
4. AC WEINSTEIN	ALWEIN@miamibeachfl.gov	8-6157	
5. Erik Bjarnashy	ERIK@miamibeachfl.gov	8-222	
6. ROBERT HALFHILL	RAHALFHILL@miamibeachfl.gov	6833	7028
7. ROBERT PARCHEL	Parcher@miamibeachfl.gov	7411	
8. Marlene Taylor	marlene.taylor@miamibeachfl.gov	6087	
9. Terry Lobbin	TERLLOBBIN@adcon.com		
10. Saul Giron	Saul@miamibeachfl.gov	7104	
11.	@		
12.	@		
13.	@		
14.	@		
15.	@		
16.	@		
17.	@		
18.	@		
19.	@		
20.	@		

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Condensed Title:

A Resolution of the City Commission approving and authorizing Amendment No. 3 to the Agreement between the City and URS for professional services to provide additional support to the CIP Office.

Key Intended Outcome Supported:

Ensure Well Designed Quality Capital Projects.

Issue:

Shall the City Commission adopt the aforementioned Resolution to approve additional project management fees for URS Corporation?

Item Summary/Recommendation:

On June 27, 2001, the Mayor and City Commission approved Resolution No. 2001-24499, authorizing the City to enter into an agreement with URS Corporation-Southern (URS) for Program Management Services to manage construction projects for Facilities and Parks. Under the Agreement, URS was to assist City staff in the planning, programming, design review, construction administration, and scheduling, budgeting and consultant coordination for the projects covered by the agreement. The contract is currently expected to expire in March 2006 and the services received from URS will no longer be available.

At this time URS is engaged in overseeing the Fire Station No. 4 construction, the North Shore Open Space Park construction, and expediting the completion of some ADA corrections at the North Shore Park and Youth Center. These projects are all in the latter stages of completion and should be obtaining Certificates of Occupancy in the summer of 2006. URS must be allowed to complete these projects in the interest of continuity, efficiency, and effectiveness.

In addition, in order to address the current staff shortages in the Capital Improvement Projects Office (CIP), the Administration is recommending that on an "as-needed basis" the contract with URS be further extended until such time that vacancies in CIP are filled with permanent staff. The URS Agreement can be amended for extension for an indeterminate period of time and for compensation to be based on the existing Agreement's billing rates (Attachment). This will offer the City the opportunity to retain the services of project managers and construction site observers provided by URS until such time that the CIP Office is fully staffed. There are several projects where the services of URS could be effectively and productively used, such as the Parks Maintenance Facility, the 10th Street Auditorium, the 21st Street Restrooms, and others.

The Administration recommends that the Mayor and City Commission authorize the City to execute Amendment No. 3 to the existing Agreement between URS Corporation-Southern and the City of Miami Beach to provide additional management services, on an as needed basis, based on their existing Agreement billing rates for projects as determined by the CIP Office. Additionally, the Administration recommends the appropriation of an initial, not to exceed, \$250,000 from General Fund CIP Salary Savings to fund the necessary services.

Advisory Board Recommendation:

N/A

Financial Information:

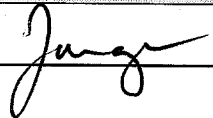
Source of Funds:	Amount	Account	Approved
1	\$250,000	Gen. Fund (CIP Salary Savings)	
OBPI			
Total	\$250,000		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

JEC

Sign-Offs:

Department Director	Assistant City Manager	City Manager
JEC	TH	

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MIAMI BEACH



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 3 TO THE AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND URS CORPORATION - SOUTHERN, DATED JUNE 27, 2001 TO PROVIDE PROJECT MANAGEMENT SERVICES AND ADDITIONAL SUPPORT TO THE CAPITAL IMPROVEMENT PROJECTS (CIP) OFFICE IN THE AMOUNT OF \$250,000, TO BE FUNDED FROM GENERAL FUND CIP SALARY SAVINGS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

Funds are available from General Fund CIP Salary Savings.

ANALYSIS

On June 27, 2001, the Mayor and City Commission approved Resolution No. 2001-24499, authorizing the City to enter into an agreement with URS Corporation-Southern (URS) for Program Management Services to manage construction projects for Facilities and Parks, pursuant to the guidelines established in Request of Qualifications No. 111-99/00. Under the Agreement, URS was to assist City staff in the planning, programming, design review, construction administration, and scheduling, budgeting and consultant coordination for the projects covered by the agreement. The contract is currently expected to expire in March 2006 and the services received from URS will no longer be available.

At this time URS is engaged in overseeing the Fire Station No. 4 construction, the North Shore Open Space Park construction, and expediting the completion of some ADA corrections at the North Shore Park and Youth Center. These projects are all in the latter stages of completion and should be obtaining Certificates of Occupancy in the summer of 2006. URS must be allowed to complete these projects in the interest of continuity, efficiency, and effectiveness. Their familiarity with the projects' issues makes it important that they maintain their involvement in these projects.

In addition, in order to address the current staff shortages in the Capital Improvement Projects Office (CIP), the Administration is recommending that on an “as-needed basis” and an “on-going basis” the contract with URS be further extended until such time that vacancies in CIP are filled with permanent staff. The URS Agreement can be amended for extension for an indeterminate period of time and for compensation to be based on the existing Agreement’s billing rates (Attachment). This will offer the City the opportunity to retain the services of project managers and construction site observers provided by URS until such time that the CIP Office is fully staffed.

There are several projects where the services of URS could be effectively and productively used, such as the Parks Maintenance Facility, the 10th Street Auditorium, the 21st Street Restrooms, and others. These projects are currently taxing the CIP staff and the projects would benefit from additional oversight on the projects and support to the CIP staff that could then be re-assigned to other projects or could more effectively manage a smaller project load.

Recently, the City Commission approved additional services for URS to assist in the managing of the remaining construction of Normandy Isle Park & Pool facility, and during the design and construction phases of other projects, as needed, such as the Normandy Shores Golf Course and Clubhouse. Their services on these projects have been invaluable and have already provided significant assistance to CIP staff. URS staff is also providing coordination and closeout management in the Miami Beach Golf Course facilities project including the final environmental monitoring installations.

CONCLUSION

The Administration recommends that the Mayor and City Commission authorize the City to execute Amendment No. 3 to the existing Agreement between URS Corporation–Southern and the City of Miami Beach to provide additional management services, on an as needed basis, based on their existing Agreement billing rates for projects as determined by the CIP Office. Additionally, the Administration recommends the appropriation of an initial, not to exceed, \$250,000 from General Fund CIP Salary Savings to fund the necessary services.

Attachment

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EXHIBIT F
CITY OF MIAMI BEACH
Parks Facilities Program and Construction Management Services
URS / OBRIEN KREITZBERG

PROPOSED BILLING RATES
FY 2001 - 2006

POSITION	FY2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	Avg
Managing Principal	\$ 136.50	\$ 140.60	\$ 144.81	\$ 149.16	\$ 153.63	\$ 158.24	\$ 147.16
Program Director	\$ 140.00	\$ 144.20	\$ 148.53	\$ 152.98	\$ 157.57	\$ 162.30	\$ 150.93
Engineering Design Manager	\$ 123.14	\$ 125.83	\$ 130.64	\$ 134.56	\$ 138.60	\$ 142.75	\$ 132.75
Construction Manager	\$ 113.83	\$ 117.24	\$ 120.76	\$ 124.39	\$ 128.12	\$ 131.96	\$ 122.72
Program & Document Controls Mgr. / Scheduler 2	\$ 114.09	\$ 117.51	\$ 121.04	\$ 124.67	\$ 128.41	\$ 132.26	\$ 123.00
Program & Document Controls Mgr. / Scheduler 1	\$ 85.37	\$ 87.93	\$ 90.57	\$ 93.29	\$ 96.08	\$ 98.97	\$ 92.03
Program & Document Controls Clerk	\$ 20.00	\$ 20.60	\$ 21.22	\$ 21.85	\$ 22.51	\$ 23.19	\$ 21.56
Administrative Assistant	\$ 20.00	\$ 20.60	\$ 21.22	\$ 21.85	\$ 22.51	\$ 23.19	\$ 21.56
Scheduler	\$ 75.00	\$ 77.25	\$ 79.57	\$ 81.95	\$ 84.41	\$ 86.95	\$ 80.86
Project Manager 2	\$ 94.71	\$ 97.55	\$ 100.48	\$ 103.49	\$ 106.60	\$ 109.79	\$ 102.10
Project Manager 1 (2)	\$ 77.61	\$ 79.94	\$ 82.34	\$ 84.81	\$ 87.35	\$ 89.97	\$ 83.67
Field Observer 2	\$ 59.50	\$ 61.29	\$ 63.12	\$ 65.02	\$ 66.97	\$ 68.98	\$ 64.15
Field Observer 1 (3)	\$ 48.57	\$ 50.03	\$ 51.53	\$ 53.07	\$ 54.67	\$ 56.31	\$ 52.36

FY2001 Billing Rates are actual. FY 2002-2006 project 3% per year escalation rate, and will be adjusted annually.

RESOLUTION TO BE SUBMITTED

Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving and authorizing Amendment No. 1 to the Professional Architectural and Engineering (A/E) Services Agreement between the City of Miami Beach, Florida and EAC Consulting, Inc. for additional professional services, in the amount of \$129,325, for the Biscayne Point Right-of-Way Infrastructure Improvement Project with funding to be appropriated from the Water and Sewer Bonds Interest Account.

Key Intended Outcome Supported:

Ensure well designed quality capital projects.

Issue:

Should the City Commission accept the City Manager's recommendation relative to the Amendment No. 1 to the Professional Services Agreement with EAC Consulting, Inc.?

Item Summary/Recommendation:

On July 27, 2005, the Mayor and the City Commission adopted Resolution No. 2005-25973 approving and authorizing to execute an agreement with EAC Consulting, Inc. for Professional Services for the enhancement of the Biscayne Point neighborhood streets, consistent with identified needs. The Biscayne Point Right of Way (ROW) Infrastructure Improvement Project will include storm water management and potable water distribution system upgrades, streetscape work with restoration and enhancement of the neighborhood's landscape, streetscape, irrigation and lighting, as practicable within specified budget parameters.

The City, as part of the re-allocation of water and sewer dollars approved in late 2005, proposed adding 11,000 linear feet of Priority 3 water lines within the Biscayne Point Neighborhood. The City has negotiated Amendment No. 1 with the Project consultant, EAC Consulting, Inc., and it has been established that the negotiated amount for additional services request is fair and reasonable. Amendment No. 1 increases the contract fee by \$129,325.00 for a total fee of \$1,316,132.00, 13% of the estimated construction cost. The additional design services are to be completed within the base agreement schedule adopted via Resolution No. 2005-25973, on July 27, 2005 between the City and EAC Consulting, Inc.

Advisory Board Recommendation:**Financial Information:**

Source of Funds:	Amount	Account	Approved
<div style="border: 1px solid black; width: 100px; height: 50px; margin: 0 auto;"></div> OBPI	1	\$129,325	Water & Sewer Bond Interest Account
	2		
	3		
	4		
	Total	\$129,325	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
JECH	TH	

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MIAMI BEACH

AGENDA ITEM

C7B

DATE

3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 1, TO THE ARCHITECTURAL AND ENGINEERING SERVICES AGREEMENT, BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND EAC CONSULTING, INC., FOR THE PROVISION OF ADDITIONAL DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE RIGHT-OF-WAY INFRASTRUCTURE IMPROVEMENTS PROJECT FOR NEIGHBORHOOD 1: BISCAYNE POINT, IN THE AMOUNT OF \$129,325; WITH FUNDING TO BE APPROPRIATED FROM THE WATER AND SEWER BONDS INTEREST ACCOUNT.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

PROJECT FUNDING

Project funding, in the amount of \$129,325.00, is available from the Water and Sewer Bonds Interest Account.

ANALYSIS

On July 27, 2005 the Mayor and City Commission adopted Resolution No. 2005-25973, approving and authorizing to execute an Agreement with EAC CONSULTING, INC., for Professional Services for the Biscayne Point Neighborhood Right of Way Improvement Project.

The Biscayne Point Right of Way (ROW) Infrastructure Improvement Project will include storm water management and potable water distribution system upgrades, with restoration and enhancement of the neighborhood's landscape, streetscape, irrigation and lighting, as practicable within specified budget parameters.

The City, as part of the water and sewer re-allocation approved in 2005, 11,000 linear feet of Priority 3 water mains within the Biscayne Point Neighborhood were added. The CIP Office has negotiated Amendment No. 1 to the Agreement with EAC Consulting, Inc. and it has been established that the additional service request is fair and reasonable. A break down of the fee proposal for the additional design and construction administration services is attached to this document (Attachment No. 1).

Amendment No. 1 increases the contract fee, in the amount of \$129,325.00, for a total fee of \$1,316,132.00, 13% of the estimated construction cost.

The additional design services are to be completed within the base agreement schedule adopted via Resolution No. 2005-25973, on July 27, 2005 between the City and EAC Consulting, Inc.

CONCLUSION

Based on the aforementioned, the Administration recommends that the Mayor and City Commission adopt the Resolution, approve and authorize the Mayor and City Clerk to execute the attached Amendment No. 1 with EAC Consulting, Inc., in the amount of \$129,325.00, to provide additional design and construction administration services for the Biscayne Point Right-of-Way Infrastructure Improvement Project, and appropriate said amount from the Water and Sewer Bonds Interest Account.

Attachment: Transmittal Letter and Consultant's Compensation Fee Schedule

T:\AGENDA\2006\mar0806\Regular\Biscayne Point Commission Memo Amendment No. 1.doc

EAC Consulting, Inc.

January 25, 2006

Ignaccio Lizama, P.E.
Hazen & Sawyer, Inc
975 Arthur Godfrey Road, Suite 211
Miami Beach, Florida

Re: Biscayne Point Neighborhood Improvements – Amendment No. 1: P 3.2 Water Mains


Dear Mr. Lizama:

Please find enclosed the fee proposal for that cover the Amendment to contract that includes engineering design and construction administration services for the P 3.2 Water Main Improvements (11,000 linear feet).

Description/Phase	Fee
30% Construction Documents	\$ 21,692
60% Construction Documents	\$ 33,631
90% Construction Documents	\$ 21,034
100% Construction Documents	\$ 13,452
Construction Administration Services	\$18,489
Other Direct Costs (Re-imbursables)	\$ 20,828
Total	\$ 129,325

Please feel free to contact our office for any questions and clarification to the proposal.

Sincerely,
EAC Consulting, Inc


Alexandra Bevans
Office Manager

for Enrique Crooks, P.E.
President

AMENDMENT No.1
SCHEDULE B

81

THE SCOPE OF SERVICES AND CONTRACTS

**AMENDMENT No. 1 (P3.2 WATER MAINS)
CITY OF MIAMI BEACH
RIGHT OF WAY INFRASTRUCTURE PROGRAM A-E CONSULTANT
CONSULTANT'S COMPENSATION FEE FOR EXPENSES
BISCAYNE POINT NEIGHBORHOOD**

size	30% Construction Documents					60% Construction Documents					90% Construction Documents					100% Construction Documents				
	number of sheets per set	number of sheets per submittal	total number of sheets	unit cost \$	cost \$	number of sheets per set	number of sheets per submittal	total number of sheets	unit cost \$	cost \$	number of sheets per set	number of sheets per submittal	total number of sheets	unit cost \$	cost \$	number of sheets per set	number of sheets per submittal	total number of sheets	unit cost \$	cost \$
11"x17"	20	5	100	\$0.15	\$15.00	20	5	100	\$0.15	\$15.00	20	5	100	\$0.15	\$15.00	20	5	100	\$0.15	\$15.00
24"x36"	20	10	200	\$1.20	\$240.00	20	10	200	\$1.20	\$240.00	20	10	200	\$1.20	\$240.00	20	10	200	\$1.20	\$240.00
					\$255.00					\$255.00					\$255.00					\$255.00
size	Community Design Review Meeting #1					Community Design Review Meeting #2					Permitting & Approvals					Survey Submittal (Task 2.1)				
	number of sheets per set	number of sheets per submittal	total number of sheets	unit cost \$	cost \$	number of sheets per set	number of sheets per submittal	total number of sheets	unit cost \$	cost \$	number of sheets per set	number of sheets per submittal	total number of sheets	unit cost \$	cost \$	number of sheets per set	number of sheets per submittal	total number of sheets	unit cost \$	cost \$
11"x17"	20	5	100	\$0.15	\$15.00	20	5	100	\$0.15	\$15.00	20	5	100	\$0.15	\$15.00	0	5	0	\$0.15	\$0.00
24"x36"	20	2	40	\$1.20	\$48.00	20	2	40	\$1.20	\$48.00	20	8	160	\$1.20	\$192.00	0	8	0	\$1.20	\$0.00
Materials					\$0.00					\$0.00					\$0.00					\$0.00
Boards	0	1	0	\$75.00	\$0.00	0	0	0	\$75.00	\$0.00	0	0	0	\$1.20	\$0.00	0	10	0	\$0.00	\$0.00
					\$43.00					\$43.00					\$192.00					\$0.00
size	Bidding & Award					As-Built Drawings (Not Required)														
	number of sheets per set	number of sheets per submittal	total number of sheets	unit cost \$	cost \$	number of sheets per set	number of sheets per submittal	total number of sheets	unit cost \$	cost \$	number of sheets per set	number of sheets per submittal	total number of sheets	unit cost \$	cost \$	number of sheets per set	number of sheets per submittal	total number of sheets	unit cost \$	cost \$
11"x17"	0	5	0	\$0.15	\$0.00	0	0	0	\$0.15	\$0.00										
24"x36"	20	8	160	\$1.20	\$192.00	0	2	0	\$1.20	\$0.00										
Electronic Files	0	0	0	\$0.00	\$0.00	0	0	1	\$25.00	\$25.00										
24"x36" (Mylar)	20	1	20	\$12.00	\$240.00	0	0	0	\$1.20	\$0.00										
					\$432.00					\$25.00					\$25.00					
Description					Cost															
30% Construction Documents					\$255.00															
60% Construction Documents					\$255.00															
90% Construction Documents					\$243.00															
100% Construction Documents					\$255.00															
Community Design Review Meeting #1					\$63.00															
Community Design Review Meeting #2					\$63.00															
Permitting & Approvals Survey Submittal (Task 2.1)					\$192.00															
Bidding & Award					\$0.00															
As-Built Drawings (Not Required)					\$25.00															
					\$1,783.00															

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 1 TO THE PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY AND EAC CONSULTING, INC. FOR THE PROVISION OF ADDITIONAL DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES, IN THE AMOUNT OF \$129,325, FOR THE RIGHT-OF-WAY INFRASTRUCTURE IMPROVEMENTS PROGRAM FOR NEIGHBORHOOD NO. 1 - BISCAYNE POINT WITH FUNDING TO BE APPROPRIATED FROM THE WATER AND SEWER BONDS INTEREST ACCOUNT.

WHEREAS, pursuant to Request for Qualifications (RFQ) No. 42-03/04-99/00, the Mayor and City Commission adopted Resolution No. 2005-25973 on July 27, 2005, approving and authorizing the Mayor and City Clerk to execute an Agreement with EAC Consulting, Inc. (Consultant), for Professional Services for the Biscayne Point Neighborhood Right of Way Improvement Project (Project) ; and

WHEREAS, the Agreement provides for the planning, design, bidding and award, construction administration and reimbursables for the Project; and

WHEREAS, the Agreement was executed for a not-to-exceed amount of \$1,186,807.00; and

WHEREAS, at this time, the City has negotiated Amendment No. 1, in the amount of \$129,325, for the inclusion of water main replacements required by the City's Public Works Department, and it has been established that this additional service request is fair and reasonable; and

WHEREAS, Amendment No. 1 increases the contract fee to a total fee of \$1,316,132.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAJOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and authorize the Mayor and City Clerk to execute the attached Amendment No. 1 to the Professional Architectural and Engineering Services Agreement between the City and EAC Consulting, Inc., for the provision of additional design and construction services, in the amount of \$129,325, for the Right-Of-Way Infrastructure Improvements Program for Neighborhood No. 1 – Biscayne Point with funding to be appropriated from the Water and Sewer Bonds Interest Account.

PASSED AND ADOPTED this 8th day of March, 2006.


ATTEST:

CITY CLERK

MAYOR

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

T:\AGENDA\2006\mar0806\Regular\Biscayne Point Resolution Amendment No 1.doc

 3/7/06

City Attorney Date

**AMENDMENT NO. 1
TO THE PROFESSIONAL ARCHITECTURAL
AND ENGINEERING (A / E) SERVICES AGREEMENT
BETWEEN
THE CITY OF MIAMI BEACH, FLORIDA
AND
EAC CONSULTING, INC.,
DATED MARCH 8, 2006**

**FOR THE PROVISION OF ADDITIONAL PROFESSIONAL SERVICES
NECESSARY FOR DESIGN AND CONSTRUCTION ADMINISTRATION OF
"P3.2" CLASSIFIED WATER MAINS FOR THE
RIGHT-OF-WAY INFRASTRUCTURE IMPROVEMENTS PROGRAM
NEIGHBORHOOD NO. 1 – BISCAYNE POINT**

This Amendment No. 1 to the Agreement made and entered this 8th day of March, 2006 by and between the CITY OF MIAMI BEACH, a Municipal Corporation existing under the laws of the State of Florida (hereinafter referred to as City), having its principal offices at 1700 Convention Center Drive, Miami Beach, Florida 33139, and EAC CONSULTING, INC., having its offices at 815 N.W. 57th Avenue, Suite 402, Miami, Florida 33126 (hereinafter referred to as Consultant).

RECITALS:

WHEREAS, pursuant to Request for Qualifications (RFQ) No. 42-03/04-99/00, the Mayor and City Commission adopted Resolution No. 2005-25973, on July 27, 2005, approving and authorizing the Mayor and City Clerk to execute an Agreement with Consultant for Professional Services for the Biscayne Point Neighborhood Right of Way Improvement Project (Project); and

WHEREAS, the Agreement provides for the planning, design, bidding and award, construction administration and reimbursables for the Project; and

WHEREAS, the Agreement was executed for a not-to-exceed amount of \$1,186,807.00; and

WHEREAS, at this time, the City has negotiated Amendment No. 1, for the inclusion of water main replacements required by the City's Public Works Department; and

WHEREAS, the Consultant met with the City and Hazen and Sawyer, the City's Program Manager, and it has been established that this additional service request is fair and reasonable; and

WHEREAS, this Amendment No. 1 increases the Agreement fee by \$129,325.00, for a total fee of \$1,316,132.00.

NOW, THEREFORE, the parties hereto, and in consideration of the mutual promises, covenants, agreements, terms, and conditions herein contained, and other good and valuable consideration, the respect and adequacy are hereby acknowledged, do agree as follows:

1. **ABOVE RECITALS**

The above recitals are true and correct and are incorporated as a part of this Amendment No. 1.

2. **MODIFICATIONS**

The Agreement is amended as defined in Schedule "A-1", attached herein.

3. **OTHER PROVISIONS**

All other provisions of the Agreement, as amended, are unchanged.

4. **RATIFICATION**

The City and Consultant ratify the terms of the Agreement, as per this Amendment No. 1.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 1 to be executed in their names by their duly authorized officials as of the date first set forth above.

ATTEST:

CITY OF MIAMI BEACH, FLORIDA

City Clerk

By: _____
Mayor

ATTEST:

**CONSULTANT:
EAC CONSULTING, INC.**


Secretary:

By: _____
President

Print Name

Print Name

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney Date 3/13/16

SCHEDULE A

SCOPE OF SERVICES

Schedule "A" entitled, "Scope of Services", is amended as follows:
ADD the following under Task 5 – ADDITIONAL SERVICES

Task 5.1 – Design of "P3.2 Classified" Water Mains

The Consultant shall provide detailed design services for producing a set of contract documents (specifications and drawings) as needed for the construction of an estimated 11,000 linear feet of "P3.2" Water Mains required by Public Works within the Biscayne Point Neighborhood. In this effort, the Consultant shall be bound by the requirements stipulated in TASK 2 –DESIGN SERVICES as adopted via Resolution No. 2005-25973, on July 27, 2005, approving and authorizing the Mayor and City Clerk to execute an Agreement with EAC CONSULTING, INC., for Professional Services for the Biscayne Point Neighborhood Right of Way Improvement Project.

Task 5.2 – Construction Administration Services of "P3.2 Classified" Water Mains

The Consultant shall provide construction administration services as needed for the construction of an estimated 11,000 linear feet of "P3.2" Water Mains. These services are equal in nature to those in this effort, the Consultant shall be bound by the requirements stipulated in TASK 4 – CONSTRUCTION ADMINISTRATION SERVICES as adopted via Resolution No. 2005-25973, on July 27, 2005, approving and authorizing the Mayor and City Clerk to execute an Agreement with EAC CONSULTING, INC., for Professional Services for the Biscayne Point Neighborhood Right of Way Improvement Project.

ADD the following under Task 6 – REIMBURSABLES:

Task 6.6 – Reproduction Services for "P3.2 Classified" Water Mains

The Consultant shall be reimbursed at the usual and customary rate for reproduction of reports, contract documents and miscellaneous items, as may be requested by the CITY. Unused amounts in this allowance shall be credited back to the CITY at the completion of the project.

Task 6.7 – Geotechnical Evaluation for "P3.2 Classified" Water Mains

The Consultant shall contract the services of a professionally licensed geotechnical firm to perform boring / test excavations as necessary to ascertain soil conditions, in an effort to identify existing conditions for pipe bedding considerations. The scope of such services shall be subject to review and acceptance by the City. Costs shall be limited to a not-to-exceed amount. Unused amounts shall be credited back to the City at the completion of the project.

TIME OF COMPLETION

Additional design services contemplated by this Amendment are to be completed in within the base Agreement schedule adopted via Resolution No. 2005-25973, on July 27, 2005 between the City and Consultant.

PAYMENT AND COMPENSATION

The method of calculating fees for the aforementioned proposed additional professional architectural and engineering services is based on the provisions established in the Agreement with Consultant.

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Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, to appropriate \$339,446.56 from the American Golf Course Settlement, \$75,000 to be appropriated to the environmental remediation required by FDEP at the Miami Beach Golf Course project and \$264,446.56 to be appropriated to address additional environmental remediation required by DERM at the Normandy Shores Golf Course Project for a total appropriation of \$339,446.56

Key Intended Outcome Supported:

Ensure well designed quality capital projects.

Issue:

Shall the Commission appropriate the funding from the American Golf Course Settlement to complete the Miami Beach Golf Course and the Normandy Shores Golf Course project to fund environmental remediation at the golf courses required by FDEP / DERM?

Item Summary/Recommendation:

The Settlement Agreement between the City of Miami Beach and American Golf Corporation (AGC) was executed on October 19, 2005 which required AGC to pay the City of Miami Beach a total of \$375,000. On January 11, 2006, \$35,553.44 was appropriated from the American Golf Settlement to provide for Hydrogeologic Consulting Services for the Miami Beach Golf Course Club Maintenance Building in order to comply with the permit requirements imposed by the Department of Environmental Protection (FDEP).

City staff recommends that \$75,000 from the Settlement be appropriated to finish the environmental remediation at the Miami Beach Golf Course project which may be necessary pending the results of the Reasonable Assurance Report required by FDEP. In addition, City Staff recommends that \$264,446.56 be appropriated to address additional remediation required by DERM for the Renovation of the Normandy Shores Golf Course project.

Advisory Board Recommendation:

N/A

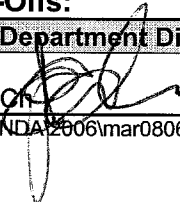

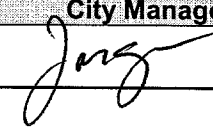
Financial Information:

Source of Funds:	Amount	Account	Approved
1	\$339,446.56	011-8000-36999(Misc Revenue) From American Golf Settlement	
Total	\$339,446.56		

Financial Impact Summary:**City Clerk's Office Legislative Tracking:**

Graciela Escalante, Senior Capital Projects Coordinator

Sign-Offs:

Department Director	Assistant City Manager	City Manager
JEON 	TH 	

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROPRIATING FUNDING, IN THE AMOUNT OF \$339,446.56, FROM THE AMERICAN GOLF SETTLEMENT, \$75,000 TO BE MADE AVAILABLE TO COMPLETE THE ENVIRONMENTAL REMEDIATION AT THE MIAMI BEACH GOLF CLUB COURSE CONSTRUCTION PROJECT, AND \$264,446.56 TO BE APPROPRIATED TO FUND THE ADDITIONAL ENVIRONMENTAL REMEDIATION REQUIREMENTS FOR THE NORMANDY SHORES GOLF COURSE PROJECT.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

Funding is available in Account Number: 011-8000-369999 (Misc. Revenue) from the American Golf Settlement.

ANALYSIS

From 1986 to 1996, American Golf Corporation (AGC) operated and maintained the City's golf courses under a management agreement. Towards the latter end of that time period, the City became aware of enforcement actions by the Miami-Dade County Department of Environment Resource Management (DERM) concerning environmental conditions at the golf courses. DERM had issued certain Notices of Violation (NOV) for contamination at the Miami Beach Golf Club Course and the Normandy Shores Golf Course. Not satisfied with AGC's responses to the NOV, the City terminated the agreement and undertook its own assessments. After extensive negotiations with DERM, the City agreed to limited remediation of the golf course maintenance areas and undertook such remediation to precede the renovation of the golf courses.

Thereafter, the City Attorney's Office and outside counsel undertook to recover monies expended in furtherance of the assessment and remediation activities. In 2004, the City filed an action against AGC in the United States District Court, Southern District of Florida, Miami Division, styled City of Miami Beach v. American Corporation of California, Inc., Case Number: 04-22607-CIC-MARTINEZ, seeking cost recovery for alleged environmental contamination at the Bayshore (Miami Beach Golf Club) and Normandy Shores Golf courses owned by the City, under state and federal environmental statutes. After recent case law limited the recovery to state law claims, the City filed an amended complaint. AGC denied the allegations contained in the City's Complaint and alleged certain defenses to the City's claims.

The parties engaged in mediation in early August, 2005, but failed to reach an agreement. Thereafter, AGC submitted a settlement offer, without admission of liability, which was considered by the City Commission, in attorney-client session on September 8, 2005. Pursuant to direction from the City Commission, the City Attorney's Office and outside counsel engaged in further negotiations with AGC, which resulted in the Agreement submitted to the Commission on October 19, 2005, whereby the parties agreed to resolve all disputes which may exist between them rather than continue with the litigation.

The City Commission approved the Resolution approving the settlement agreement which authorized the City Manager and City Clerk to execute the Agreement on behalf of the City, and the City Manager and City Attorney were authorized to take appropriate actions consistent with the intent of the resolution to implement the provisions of the Settlement Agreement.

The Settlement Agreement executed on October 19, 2005, caused AGC to pay the City of Miami Beach a total of \$375,000. On January 11, 2006, \$35,553.44 was appropriated from the American Golf Settlement to provide for hydrogeologic consulting services for the Miami Beach Golf Club maintenance building in order to comply with the permit requirements imposed by Department of Environmental Protection (FDEP).

The Miami Beach Golf Course Clubhouse building received a Temporary Certificate of Occupancy (TCO) on May 5, 2004. It is anticipated that a Certificate of Occupancy (CO) will be achieved by the second quarter of 2006, as soon as the air-conditioned dumpster enclosure is completed. Funding for the enclosure was appropriated in the Commission meeting of October 19, 2005. It is anticipated that a TCO will be achieved for the Maintenance Building by the end of the first quarter of 2006.

City staff recommends that \$75,000 from the Settlement be appropriated to finish the environmental remediation at the Miami Beach Golf Club project which may be necessary pending the results of the Reasonable Assurance Report required by FDEP / DERM. In addition, City Staff recommends that \$264,446.56 be appropriated to address additional remediation required by FDEP / DERM for the Renovation of the Normandy Shores Golf Course project.

CONCLUSION

That the City Commission appropriate \$339,446.56 from the American Golf Course Settlement, \$75,000 to be appropriated to fund the environmental remediation required by FDEP / DERM at the Miami Beach Golf Club project and \$264,446.56 to be appropriated to fund the additional environmental remediation required by FDEP/DERM at the Normandy Shores Golf Course Project, for a total appropriation of \$339,446.56.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROPRIATING FUNDING, IN THE AMOUNT OF \$339,446.56, FROM THE AMERICAN GOLF SETTLEMENT; \$75,000 TO BE MADE AVAILABLE TO COMPLETE THE ENVIRONMENTAL REMEDIATION AT THE MIAMI BEACH GOLF COURSE CONSTRUCTION PROJECT, AND \$264,446.56 TO BE APPROPRIATED TO FUND THE ADDITIONAL ENVIRONMENTAL REMEDIATION REQUIREMENTS FOR THE NORMANDY SHORES GOLF COURSE PROJECT.

WHEREAS, from 1986 to 1996, American Golf Corporation (AGC) operated and maintained the City's golf courses under a management agreement; and

WHEREAS, towards the latter end of that time period, the City became aware of enforcement actions by the Miami-Dade County Department of Environment Resource Management (DERM) concerning environmental conditions at the golf courses; and

WHEREAS, DERM had issued certain Notices of Violation (NOV) for contamination at the Miami Beach Golf Course and the Normandy Shores Golf Course; and

WHEREAS, after extensive negotiations with DERM, the City agreed to limited remediation of the golf course maintenance areas, and undertook such remediation to precede the renovation of the golf courses; and

WHEREAS, in 2004, the City filed an action against AGC in the United States District Court, Southern District of Florida, Miami Division, styled City of Miami Beach v. American Corporation of California, Inc., Case Number: 04-22607, seeking cost recovery for alleged environmental contamination at the Bayshore (Miami Beach Golf Course) and Normandy Shores Golf Courses, under state and federal environmental statutes; and

WHEREAS, AGC denied the allegations contained in the City's Complaint and alleged certain defenses to the City's claims; and

WHEREAS, the parties engaged in mediation in early August 2005, but failed to reach an agreement and subsequently, AGC submitted a settlement offer, without admission of liability, which was considered by the City Commission, in attorney-client session on September 8, 2005; and

WHEREAS, pursuant to direction from the City Commission, the City Attorney's Office and outside counsel engaged in further negotiations with AGC, which resulted in the final settlement agreement submitted to the City Commission on October 19, 2005, whereby the parties agreed to resolve all disputes which may exist between them rather than continue with the litigation; and

WHEREAS, the Settlement Agreement, executed on October 19, 2005, caused AGC to pay the City a total of \$375,000; and

WHEREAS, on January 11, 2006, \$35,553.44 was appropriated from the American Golf Settlement to provide for Hydrogeologic Consulting Services for the Miami Beach Golf Course Club Maintenance Building, in order to comply with the permit requirements imposed by Department of Environmental Protection (FDEP); and

WHEREAS, City staff hereby recommends that \$75,000 from the American Golf Settlement now be appropriated to finish the additional environmental remediation at the Miami Beach Golf Course Project which may be necessary pending the results of the Reasonable Assurance Report required by Florida Department of Environmental Protection (FDEP); and

WHEREAS, City Staff also recommends that \$264,446.56 now be appropriated to address additional remediation required by FDEP / DERM for the Renovation of the Normandy Shores Golf Course Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize and appropriate funding, in the amount of \$339,446.56, from the American Golf Settlement to be made available to complete the Miami Beach Golf Course Project, in the amount of \$75,000, and Normandy Shores Golf Course Project, in the amount of \$264,446.56.

PASSED AND ADOPTED this _____ day of _____, 2006.

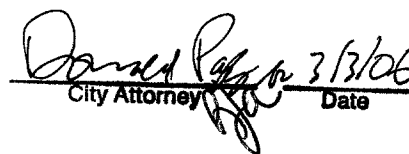
ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

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City Attorney _____ Date 3/13/06

Condensed Title:

A Resolution authorizing the Administration to issue a Purchase Order to Medtronic Emergency Response Systems, the Sole Source provider of the Capnography, Oxygen Saturation, and Blood Pressure upgrades for the Fire Departments LifePak 12 Defibrillator/Monitors in the amount of \$52,683.00.

Key Intended Outcome Supported:

Increase resident ratings of Public Safety Services

Issue:

Shall the Commission Adopt the Resolution?

Item Summary/Recommendation:

The Fire Department Medical Director had requested that the Monitors be upgraded to include these features prior to Fiscal Year 04/05, but funding was unable to be obtained due to budget constraints. He agreed to defer acquisition, training, and implementation until Fiscal Year 05/06.

These upgrades to the nine (9) Medtronic LifePak 12 Monitor Defibrillators currently in use by the Fire Department's Emergency Medical Response units allow important data such as Blood Pressure, Oxygen Saturation, and End Tidal CO2 to be obtained, constantly monitored, and electronically recorded through the EKG Monitor during the treatment of critically ill or injured patients. The End Tidal CO2 (Capnography) component is expected to be mandated by the State Department of Health within the next year.

In addition, the recording of these vital signs can be transferred from the Monitor/Defibrillator to an electronic Patient Care Record through wireless technology. The Fire Department is currently in the process of researching electronic field data reporting systems for acquisition through the State EMS Grant program.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1	\$52,683.00	General Fund Operating Contingency Account to be reimbursed by the Health Facilities Authority	
2			
3			
Total	\$52,683.00		

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Gus Lopez, Ext 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		<i>[Signature]</i>

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MIAMIBEACH

AGENDA ITEM C7D
DATE 3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION TO ISSUE A PURCHASE ORDER TO MEDTRONIC EMERGENCY RESPONSE SYSTEMS, AS THE SOLE SOURCE PROVIDER OF THE CAPNOGRAPHY, OXYGEN SATURATION, AND BLOOD PRESSURE MONITORING UPGRADES TO THE LIFEPAK 12 MONITOR DEFIBRILLATORS CURRENTLY IN USE BY THE FIRE RESCUE DIVISION, ADDING BLOOD PRESSURE, PULSE OXYMETRY, AND CAPNOGRAPHY CAPABILITY TO MEET NEW STATE OF FLORIDA REQUIREMENTS, IN THE AMOUNT OF \$52,683.00.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

\$52,683.00 Funding is available from the General Fund Operating Contingency Account with anticipated reimbursement from proceeds from the Health Facilities Authority.

ANALYSIS

The Fire Department Medical Director had requested that the Monitors be upgraded to include these features prior to Fiscal Year 04/05, but was unable to obtain the funding due to budget constraints. He agreed to defer acquisition, training, and implementation until Fiscal Year 05/06.

These upgrades to the nine (9) Medtronic LifePak 12 Monitor Defibrillators currently in use by the Fire Department's Emergency Medical Response units allow important data such as Blood Pressure, Oxygen Saturation, and End Tidal CO₂ to be obtained, constantly monitored, and electronically recorded through the EKG Monitor during the treatment of critically ill or injured patients. The End Tidal CO₂ (Capnography) component is expected to be mandated by the State Department of Health within the next year.

In addition, the recording of these vital signs can be transferred from the Monitor/Defibrillator to an electronic Patient Care Record through wireless technology. The Fire Department is currently in the process of researching electronic field data reporting systems for acquisition through the State EMS Grant program.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the attached resolution approving and authorizing the issuance of a Purchase Order to Medtronic Emergency Response Systems as the sole source provider of the Capnography, Oxygen Saturation, and Blood pressure monitoring upgrades in the amount of \$52,683.00.

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE ADMINISTRATION TO ISSUE A PURCHASE ORDER TO MEDTRONIC EMERGENCY RESPONSE SYSTEMS, AS THE SOLE SOURCE PROVIDER OF THE CAPNOGRAPHY, OXYGEN SATURATION, AND BLOOD PRESSURE UPGRADES TO THE LIFEPAK 12 DEFIBRILLATOR/MONITORS CURRENTLY IN USE BY THE FIRE-RESCUE DIVISION; ADDING BLOOD PRESSURE, PULSE OXYMETRY, AND CAPNOGRAPHY CAPABILITY TO MEET NEW STATE OF FLORIDA REQUIREMENTS; SAID PURCHASE ORDER IN THE AMOUNT OF \$52,683.00.

WHEREAS, the Fire Department Medical Director has requested that the Fire Department's Monitor/Defibrillators be upgraded to include capnography, oxygen saturation, and blood pressure monitoring capability; and

WHEREAS, these upgrades will allow capnography, oxygen saturation, and blood pressure values to be obtained, constantly monitored, and recorded automatically through the EKG Monitor/Defibrillator during the treatment and transport of critically ill or injured patients; and

WHEREAS, it is expected that the State of Florida Department of Health will mandate the use of the capnography component of the upgrade within the next year; and

WHEREAS, the recording of this data can be transferred from the EKG Monitor/Defibrillator to an electronic Patient Care Record through wireless technology; and

WHEREAS, the Fire Department is currently in the process of researching electronic field data reporting systems for acquisition through the State of Florida EMS Matching Grant program; and

WHEREAS, as provided pursuant to Section 2-367 (d) of the Miami Beach City Code, the Administration has determined that Medtronic Emergency Response Systems meets the requirements for sole source provider for the capnography, oxygen saturation, and blood pressure upgrades to the LifePak 12, and would therefore recommend that a purchase order be issued to Medtronic Emergency Response Systems, in the amount of \$52,683.00.

NOW, THEREFORE, BE IT DULY RESOLVED, BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and the City Commission hereby approve and authorize the Administration to issue a Purchase Order to Medtronic Emergency Response Systems, as the sole source provider for the capnography,

oxygen saturation, and blood pressure upgrades to the LifePak 12, in the amount of \$52,683.00 with funding available from the General Fund Operating Contingency Account, with anticipated reimbursement from proceeds from the Health Facilities Authority.


PASSED and **ADOPTED** this 8th day of March, 2006

MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

 2-23-06
City Attorney Date

Condensed Title:

A Resolution Authorizing The City Manager Or His Designee To Apply For And Accept The Following Six (6) Grants.

Key Intended Outcome Supported:

Improve The City's Overall Financial Health And Maintain Overall Bond Rating.

Issue:

Shall The City Support The Following Funding Requests?

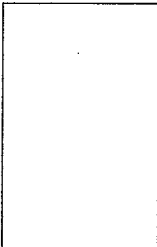
Item Summary/Recommendation:

A Resolution Authorizing The City Manager Or His Designee Retroactively To Submit The Following Grant Applications: 1) Miami Beach Visitor And Convention Authority For Funding For The City's July 4, 2006 Event In An Amount Not To Exceed \$8,000; 2) Miami-Dade County Tourist Development Council For Funding Of The City's July 4, 2006 Event In An Amount Not To Exceed \$20,000; 3) Florida Division Of Emergency Management Community Emergency Response Team Program For Cert Funding In An Amount Not To Exceed \$10,000; 4) Miami-Dade County For ADA Parking Fine Funds In The Amount Of \$61,310.93; 5) US Department Of Justice For Victims Of Crime Act (VOCA) Funding For The Police Department's Domestic Violence/Victims Advocate Program, In An Amount Not To Exceed \$68,000; 6) Florida Department Of Health, Bureau Of EMS For Funds For An Electronic Patient Care Reporting System In An Amount Not To Exceed \$350,000; Further Appropriating The Grants And Matching Funds, If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To These Applications.

Advisory Board Recommendation:

N/A

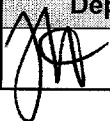
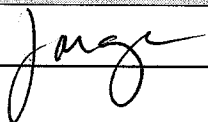
Financial Information:

Source of Funds:	Grant #	Grant Name/Project	Grant Amount	Match Amount/Source
 OBPI	1	VCA – July 4, 2006	\$8,000	N/A – No Match Required
	2	Miami-Dade County TDC – July 4, 2006	\$20,000	Corporate Support
	3	State of Florida, Division of Emergency Management/CERT	\$10,000	N/A – No Match Required
	4	Miami-Dade County ADA Parking Fines	\$61,310.93	Matching funds to be provided by ADA projects citywide
	5	US Dept. of Justice – VOCA	\$68,000	\$19,071 – Police Department Operating Budget
	6	State Department of Health – Electronic Reporting System	\$350,000	\$87,500 – Fire Department Operating Budget
	Total			

Financial Impact Summary:**City Clerk's Office Legislative Tracking:**

Judy Hoanshelt, Grants Manager, Office Of Budget And Performance Improvement

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		



MIAMIBEACH

AGENDA ITEM C7E
DATE 3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE RETROACTIVELY TO SUBMIT GRANT APPLICATIONS TO THE FOLLOWING AGENCIES: 1) MIAMI BEACH VISITOR AND CONVENTION AUTHORITY FOR FUNDING FOR THE CITY'S JULY 4, 2006 EVENT IN AN AMOUNT NOT TO EXCEED \$8,000; 2) MIAMI-DADE COUNTY TOURIST DEVELOPMENT COUNCIL FOR FUNDING OF THE CITY'S JULY 4, 2006 EVENT IN AN AMOUNT NOT TO EXCEED \$20,000; 3) FLORIDA DIVISION OF EMERGENCY MANAGEMENT COMMUNITY EMERGENCY RESPONSE TEAM PROGRAM FOR CERT FUNDING IN AN AMOUNT NOT TO EXCEED \$10,000; 4) MIAMI-DADE COUNTY FOR ADA PARKING FINE FUNDS IN THE AMOUNT OF \$61,310.93; 5) US DEPARTMENT OF JUSTICE FOR VICTIMS OF CRIME ACT (VOCA) FUNDING FOR THE POLICE DEPARTMENT'S DOMESTIC VIOLENCE/VICTIMS ADVOCATE PROGRAM, IN AN AMOUNT NOT TO EXCEED \$68,000; 6) FLORIDA DEPARTMENT OF HEALTH, BUREAU OF EMS FOR FUNDS FOR AN ELECTRONIC PATIENT CARE REPORTING SYSTEM IN AN AMOUNT NOT TO EXCEED \$350,000; FURTHER APPROPRIATING THE GRANTS AND MATCHING FUNDS, IF APPROVED AND ACCEPTED BY THE CITY; AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS RELATED TO THESE APPLICATIONS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

1. Retroactive approval to submit a grant application to the Miami Beach Visitor and Convention Authority (VCA), for FY 2006/07 for funding for the City's July 4, 2006 program in an amount not to exceed \$8,000.

In 1991 the City of Miami Beach launched the first "An American Celebration 1991" as a means to attract visitors to Miami Beach on the 4th of July. Due to its success, this celebration was continued for subsequent years. Initially held in North Beach, the Administration and City Commission approved the implementation of an alternating schedule between the North Beach Community and the South Beach Community to generate interest in all areas of the City.

On July 4, 2006, "An American Celebration 2006" will mark the sixteenth anniversary of the event's success. In celebration, the Miami Beach Community and the City will host this year's event at 10th Street and Ocean Drive. The event will showcase the South Beach Community and the amenities that are available in the surrounding areas. Visitors to this event are comprised of a mix of Miami Beach and South Florida residents, and tourists staying in hotels throughout Miami-Dade County.

VCA grant funds are requested to help defray the costs of advertising for the event. No match is required of the City. Also supports the Key Intended Outcome: Increase community rating of cultural activities.

2. Approval to submit a grant application in an amount not to exceed \$20,000, to Miami-Dade County Department of Cultural Affairs for the City's July 4, 2006 event.

The mission of the Miami-Dade County Tourist Development Council (TDC) is to serve as a catalyst to promote Miami-Dade County's appeal as a tourist destination by encouraging and investing in outstanding tourism-oriented cultural and special events that distinguish our destination as a world class center for theater, concerts, recitals, opera, dance, art exhibitions, festivals, sports events, film and television originations and other tourist-related activities. The TDC is a nine-member volunteer board created by State Statute and County ordinance whose members are appointed by the Miami-Dade Board of County Commissioners and have backgrounds in the tourism industry.

The TDC works in partnership with other tourism-promoting agencies, including the Greater Miami Convention & Visitors Bureau. The Department of Cultural Affairs serves as staff to the TDC and helps to manage the Tourist Development Council grants program that offers funding support on a competitive basis to eligible tourism-oriented events and projects.

The City's July 4th event is eligible for funding, and the TDC has supported this event in previous years. The City proposes applying for funds to defray the costs of the fireworks at the event. This year, the event will be held at Ocean Drive and 10th Street. The deadline for this program is April 6, 2006.

The program requires matching funds which will be matched by corporate sponsorship funds. Also supports the Key Intended Outcome: Increase community rating of cultural activities.

3. Retroactive approval to Apply to the Florida Department of Community Affairs, Division of Emergency Management for grant funds in an amount not to exceed \$10,000 made available through the Community Emergency Response Team (CERT) Program.

The Community Emergency Response Team (CERT) program provides a structured opportunity for citizens to augment local emergency response activities.

Program funds will be used to train people to be prepared for emergency situations that may arise in their communities. CERT members give critical support to first responders in emergency situations. The City has applied for funding in the amount not to exceed \$10,000. Funding will be used to offset City costs associated with providing CERT training. The Fire Department coordinates the CERT program. No match is required. Also supports the Key Intended Outcome: Increase resident rating of public services.

4. Retroactive approval to submit a grant application in the amount of \$61,310.93, to Miami-Dade County for Parking Fines Monies to provide funds to improve accessibility and equal opportunity to qualified physically disabled persons and to provide funds for eligible City ADA projects.

The City of Miami Beach entered into an Interlocal Agreement with Miami-Dade County on April 18, 2001 for the distribution of funds collected for the misuse of specially marked parking spaces for people with disabilities. The agreement is based on Section 316.1967, Florida Statutes, and Section 30-447 of the Code of Miami-Dade County, which authorizes the charging of fines for misuse of specially marked parking spaces for people with disabilities. Eligible City projects, if mandated by federal, state, or local law must be matched in at least an equal amount by other funding. Other City projects or programs may be funded up to 100% by disabled permit parking fine monies, without matching funds.

The City proposes using the grant funds for disability access programs and projects which may include, but to be limited to citywide curb ramps; enhanced beach access; advertisements for the County's emergency evacuation program for people with disabilities, and City of Miami Beach ADA grievance policy advertisements as well other relevant ADA-related advertisements.

The grant will be matched with City funds, as necessary. Funds are eligible to be used to provide funds to improve accessibility and equal opportunity to qualified physically disabled persons and to provide funds to conduct public awareness programs concerning physically disabled persons. The grant was outlined at the February meeting of the City's Disability Access Committee (DAC). Also supports the Key Intended Outcome: Increase community satisfaction with City services.

5. Retroactive approval to submit a grant application to the Office of Attorney General for the 2006/7 Victims of Crime Act (VOCA) grant for funding for the City's Domestic Violence program in an amount not to exceed \$68,000.

The Victims of Crime Act (VOCA) was enacted in 1984 to provide federal funding to assist state, local and private nonprofit agencies to provide direct services to crime victims. The United States Department of Justice, Office of Justice Programs provides funds to support the provision of services to victims of crime.

The Miami Beach Police Department currently receives VOCA grant funds to assist in funding the department's Domestic Violence Unit. In submitting this grant application, the Police Department seeks to continue funding of the Domestic Violence Unit during fiscal year 2006-2007.

The Police Department's Domestic Violence Unit serves as a catalyst for victims of crime and their families to receive effective legal and social intervention services. The Unit has formed a unique collaborative partnership with the Dade County Bar Association, Legal Aid Society, Safe Space, and Domestic Violence Intake Unit of Miami-Dade State Attorney's Office.

A 20% match is required of this grant, matching funds in the amount of \$19,071 will be provided by the City are from the Police Department operating budget. Also supports the Key Intended Outcome: Increase community satisfaction with City services.

6. Approval to submit a grant application to the State of Florida Department of Health, Bureau of EMS for funds for an Electronic Patient Care Reporting System in an amount not to exceed \$350,000.

This grant program provides funding to emergency medical service providers, first responder organizations and other emergency medical service related organizations. Funding is available for organizations to acquire, repair, improve or upgrade emergency medical services systems or equipment.

The City proposes applying for funding for an electronic patient care reporting system. Currently, when an incident occurs, the Fire Department employee responding to the event must, often under extreme circumstances, hand write a report providing information on the patient's demographics, billing information, vitals, procedures and medications. Electronic report writing will improve the ease of data collection and retrieval, allow for quicker and more efficient service reimbursements, and reduce the number of potentially inaccurate/incomplete reports. This system has been approved and recommended by the National Association of State EMS Directors (NASEMSD), and was approved by Resolution by the board as an initiative to be promoted and supported by the organizations.

The grant requires a 25% match. The City has funding available in the Fire Department's operating budget to match this grant. Also supports the Key Intended Outcome: Increase resident rating of public safety services.

CONCLUSION

The Administration requests approval to authorize the City Manager or his designee to submit the following grant applications: 1) Miami Beach Visitor and Convention Authority for funding for the City's July 4, 2006 event in an amount not to exceed \$8,000; 2) Miami-Dade County Tourist Development Council for funding of the City's July 4, 2006 event in an amount not to exceed \$20,000; 3) Florida Division Of Emergency Management Community Emergency Response Team Program for CERT funding in an amount not to exceed \$10,000; 4) Miami-Dade County for ADA parking fine funds in the amount of \$61,310.93; 5) US Department of Justice for Victims of Crime Act (VOCA) funding for the Police Department's Domestic Violence/Victims Advocate program, in an amount not to exceed \$68,000; 6) Florida Department of Health, Bureau of EMS for funds for an electronic patient care reporting system, in an amount not to exceed \$350,000; further appropriating the grants and matching funds, if approved and accepted by the City; and authorizing the execution of all necessary documents related to these applications.

JMG/KGB/JH

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RESOLUTION TO BE SUBMITTED

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Condensed Title:

A Resolution rejecting proposals from Municipal Parking Systems, Inc. and Collins and 13th Street Joint Venture relating to Request for Proposals No. 20-97/98, issued for the development of public/private parking facilities in Miami Beach south of Dade Boulevard.

Key Intended Outcome Supported:

Improve the City's overall financial health and maintain overall bond rating.

Issue:

Shall the Mayor and City Commission approve the Finance and Citywide Projects Committee recommendation to reject proposals from Municipal Parking Systems and Collins and 13th Street Joint Venture, regarding RFP No. 20-97/98?

Item Summary/Recommendation:

On July 15, 1998, the Mayor and City Commission approved Resolution No. 98-22857 which authorized the Administration to negotiate with the top three ranked proposals in regards to RFP No. 20-97/98 for the development of parking facilities in Miami Beach south of Dade Boulevard. The Mayor and City Commission took no action with respect to proposals ranked fourth and fifth, Municipal Parking Systems and Collins and 13th Street Joint Venture; however, rejected all other proposals.

On February 16, 2006, the City's Finance and Citywide Projects Committee held a discussion regarding said proposals and unanimously approved a motion to officially reject the two remaining proposals from Municipal Parking Systems and Collins and 13th Street Joint Venture, respectively, regarding RFP No. 20-97/98. The Administration recommends that the Mayor and Commission accept the Finance and Citywide Projects Committee unanimous recommendation to reject the two remaining proposals from Municipal Parking Systems and Collins and 13th Street Joint Venture, respectively, regarding RFP No. 20-97/98.

Advisory Board Recommendation:

On February 16, 2006, the Finance and Citywide Projects Committee unanimously approved a motion to reject the proposals from the Municipal Parking system and Collins and 13th Street Joint Venture.

Financial Information:

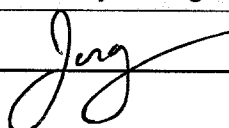
Source of Funds:		Amount	Account	Approved
	1			
	2			
	3			
	4			
OBPI	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Saul Frances ext 6483 Gus Lopez ext 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMI BEACH

AGENDA ITEM C7F
DATE 3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REJECTING PROPOSALS FROM MUNICIPAL PARKING SYSTEMS, INC., AND COLLINS AND 13TH STREET JOINT VENTURE RELATING TO REQUEST FOR PROPOSALS NO. 20-97/98, ISSUED FOR THE DEVELOPMENT OF PUBLIC/PRIVATE PARKING FACILITIES IN MIAMI BEACH SOUTH OF DADE BOULEVARD.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On July 15, 1998, the Mayor and City Commission approved Resolution No. 98-22857 which authorized the Administration to negotiate with the top three ranked proposals in regards to RFP No. 20-97/98 for the development of parking facilities in Miami Beach south of Dade Boulevard. The Mayor and City Commission took no action with respect to proposals ranked fourth and fifth, Municipal Parking Systems and Collins and 13th Street Joint Venture, however, rejected all other proposals.

On February 16, 2006, the City's Finance and Citywide Projects Committee held a discussion regarding said proposals and unanimously approved a motion to officially reject the two remaining proposals from Municipal Parking Systems and Collins and 13th Street Joint Venture, regarding RFP No. 20-97/98.

CONCLUSION

The Administration recommends that the Mayor and City Commission accept the Finance Committee's unanimous recommendation to reject the two remaining proposals from Municipal Parking Systems and Collins and 13th Street Joint Venture, regarding RFP No. 20-97/98.

JMG/TH/SF

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FORMALLY REJECTING PROPOSALS FROM MUNICIPAL PARKING SYSTEMS, INC., AND COLLINS AND 13TH STREET JOINT VENTURE RELATING TO REQUEST FOR PROPOSALS (RFP) NO. 20-97/98, ISSUED FOR THE DEVELOPMENT OF PUBLIC/PRIVATE PARKING FACILITIES IN MIAMI BEACH SOUTH OF DADE BOULEVARD.

WHEREAS, on July 15, 1998, the Mayor and City Commission approved Resolution No. 98-22857, which authorized the Administration to negotiate with the top three (3) ranked proposals pursuant to RFP No. 20-97/98 for the Development of Parking Facilities in Miami Beach South of Dade Boulevard; and

WHEREAS, at that time, the Mayor and City Commission took no formal action with respect to the fourth and fifth ranked proposals by, respectively, Municipal Parking Systems, and Collins and 13th Joint Venture; however, the City Commission rejected all other proposals; and

WHEREAS, on February 16, 2006, the City's Finance Committee held a discussion item regarding said proposals; and

WHEREAS, the City's Finance Committee unanimously approved a motion to officially reject the two remaining proposals from Municipal Parking Systems and Collins and 13th Street Joint Venture, respectively, regarding RFP No. 20-97/98.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve the City's Finance Committee's unanimous recommendation to formally reject the two remaining proposals from Municipal Parking Systems and Collins and 13th Street Joint Venture, respectively, regarding RFP No. 20-97/98.

PASSED and ADOPTED this _____ day of March, 2006.

MAYOR

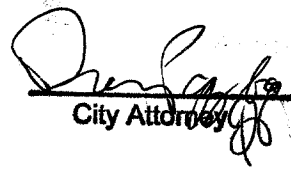
ATTEST:

CITY CLERK

JMG/TH/SF

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

3/3/06

Date

Condensed Title:

Resolution: Directing the Planning Department to present a Preliminary Evaluation and Recommendation Report for consideration by the Historic Preservation Board relative to the possible designation of certain City-owned monuments, fountains, sculptures, and memorials that are not currently designated as an historic site or located within an historic district; as well as recommending that the Historic Preservation Board consider assigning a status of contributing for those City-owned monuments, fountains, sculptures, and memorials that are located within an historic district and do not currently have a classification status.

Key Intended Outcome Supported:

Ensure all historically significant structures, sites, and districts are considered for local designation by the Mayor and City Commission.

Issue:

The Administration is requesting that the Mayor and City Commission consider the proposed resolution.

Item Summary/Recommendation:

Adopt the proposed resolution.

Advisory Board Recommendation:**Financial Information:**

Source of Funds:		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

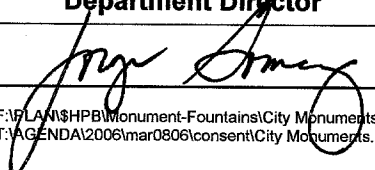
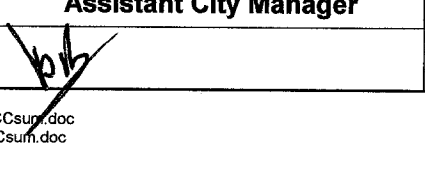
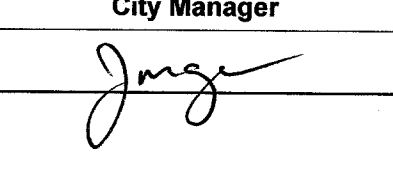
OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

William H. Cary, Assistant Planning Director; Shannon M. Anderton, Senior Planner.

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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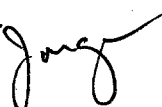


MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE PLANNING DEPARTMENT TO PRESENT A PRELIMINARY EVALUATION AND RECOMMENDATION REPORT FOR CONSIDERATION BY THE HISTORIC PRESERVATION BOARD RELATIVE TO THE POSSIBLE DESIGNATION OF CERTAIN CITY-OWNED MONUMENTS, FOUNTAINS, SCULPTURES, AND MEMORIALS THAT ARE NOT CURRENTLY DESIGNATED AS AN HISTORIC SITE OR LOCATED WITHIN AN HISTORIC DISTRICT; AS WELL AS RECOMMENDING THAT THE HISTORIC PRESERVATION BOARD CONSIDER ASSIGNING A STATUS OF CONTRIBUTING FOR THOSE CITY-OWNED MONUMENTS, FOUNTAINS, SCULPTURES, AND MEMORIALS THAT ARE LOCATED WITHIN AN HISTORIC DISTRICT AND DO NOT CURRENTLY HAVE A CLASSIFICATION STATUS.**

ADMINISTRATION RECOMMENDATION

The Administration is requesting that the Mayor and City Commission adopt the proposed resolution.

ANALYSIS

The Planning Department has prepared a master list and preliminary evaluation of all City-owned monuments, fountains, sculptures, and memorials throughout Miami Beach, as was requested by the City Commission on November 10, 2004.

The City Commission may wish to direct Planning Department staff to present a preliminary evaluation and recommendation report for consideration by the Historic Preservation Board relative to the possible designation of those structures that are not currently designated as an historic site or located within an historic district. Staff would recommend that the Historic Preservation Board consider assigning a status of "contributing" for those structures that are currently located within an historic district but do not have an assigned status.

For the convenience of the City Commission, staff has provided an abbreviated master list of City-owned monuments, fountains, sculptures, and memorials (**Attachment I**). A detailed master list is also included for your information with photographs and historical documentation on each structure (**Attachment II**).

JMG:TH:JGG:WHC:SMA

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE PLANNING DEPARTMENT TO PRESENT A PRELIMINARY EVALUATION AND RECOMMENDATION REPORT FOR CONSIDERATION BY THE HISTORIC PRESERVATION BOARD RELATIVE TO THE POSSIBLE DESIGNATION OF CERTAIN CITY-OWNED MONUMENTS, FOUNTAINS, SCULPTURES, AND MEMORIALS THAT ARE NOT CURRENTLY DESIGNATED AS AN HISTORIC SITE OR LOCATED WITHIN AN HISTORIC DISTRICT; AS WELL AS RECOMMENDING THAT THE HISTORIC PRESERVATION BOARD CONSIDER ASSIGNING A STATUS OF CONTRIBUTING FOR THOSE CITY-OWNED MONUMENTS, FOUNTAINS, SCULPTURES, AND MEMORIALS THAT ARE LOCATED WITHIN AN HISTORIC DISTRICT AND DO NOT CURRENTLY HAVE A CLASSIFICATION STATUS.

WHEREAS, the early land developers of Miami Beach constructed monuments, fountains, sculptures, and memorials to beautify the emerging resort community and commemorate significant persons or events of the past; and

WHEREAS, these outdoor structures were commissioned by Miami Beach pioneers John Collins, Carl Fisher, and Henri Levy amongst others; and

WHEREAS, the City of Miami Beach has acquired over time several of the outdoor structures that had been built by the early land developers; and

WHEREAS, the City of Miami Beach has also commissioned significant outdoor structures to enhance the urban environment, such as the 28th Street Obelisk as well as the shade structures and fountains along Lincoln Road; and

WHEREAS, these unique City-owned monuments, fountains, sculptures, and memorials were created by nationally and locally recognized sculptors, artisans, and builders with fine craftsmanship and attention to detail; and

WHEREAS, the Mayor and City Commission have deemed it in the best interest and welfare of the City to retain and preserve this valuable collection of monuments and structures for present and future generations to appreciate and experience; and

WHEREAS, the preservation of this unique collection is also in the best interest of the City in promoting local cultural tourism; and

WHEREAS, the City's Planning Department has recommended that this resolution be adopted.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, to direct the Planning Department to present a Preliminary Evaluation and Recommendation Report for consideration by the Historic Preservation Board relative to the possible designation of certain City-owned

monuments, fountains, sculptures, and memorials that are not currently designated as an historic site or located within an historic district; as well as recommending that the Historic Preservation Board consider assigning a status of contributing for those City-owned monuments, fountains, sculptures, and memorials that are located within an historic district and do not currently have a classification status.



PASSED and **ADOPTED** this _____ day of _____, 2006.

MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO FORM & LANGUAGE
& FOR EXECUTION:**

 2-27-06
CITY ATTORNEY  **DATE**

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Attachment I

ABBREVIATED MASTER LIST OF CITY-OWNED MONUMENTS, FOUNTAINS, SCULPTURES AND MEMORIALS

I. CURRENTLY ELIGIBLE FOR DESIGNATION AS AN HISTORIC STRUCTURE

Recommendation: Request that the City Commission direct Planning Department staff to present a preliminary evaluation and recommendation report for consideration by the Historic Preservation Board relative to the possible designation of those structures that are not currently designated as an historic site or located within an historic district.

- A. STAR ISLAND WATER TOWER
Buoy Park on Star Island in Biscayne Bay
Built 1919
Possible Historic Structure
- B. PALM ISLAND FOUNTAIN
Median island at the intersection of Palm Avenue and Fountain Street
Built circa 1920
Possible Historic Structure
- C. WEST 20TH STREET AND ALTON ROAD FOUNTAIN
Median island at the intersection of West 20th Street, Alton Road, and North Bay Road
Built 1924
Possible Historic Structure
- D. THE POLO PLAYER STATUE
Polo Park and Nautilus School grounds near North Michigan Avenue and West 43rd Street
Built 1924
Possible Historic Structure
- E. NORMANDY ISLE FOUNTAIN
Henri Levy Park at the intersection of 71st Street, Bay Drive, and Normandy Drive
Built 1925
Possible Historic Structure
- F. CARL FISHER MEMORIAL
Carl Fisher Park at West 50th Street and Alton Road
Built 1941
Possible Historic Structure

Abbreviated Master List of City-Owned Monuments, Fountains, Sculptures & Memorials

II. CURRENTLY LOCATED WITHIN AN HISTORIC DISTRICT BUT WITH NO STATUS ASSIGNED
Recommendation: Request that the Historic Preservation Board consider assigning a status of "contributing" for those structures that are located within an historic district.

- A. WORLD WAR I MEMORIAL
Southeast corner of the Miami Beach Police Department site at 1100 Washington Avenue
Dedicated 1936
Flamingo Park Historic District and National Register Architectural District
- B. LUMMUS PARK TEMPERATURE AND DATE MONUMENT
Southwest corner of the Oceanfront Auditorium site at 1001 Ocean Drive in Lummus Park
Built 1959
Ocean Drive/Collins Avenue Historic District and National Register Architectural District
- C. MORRIS LAPIDUS FOUNTAINS AND SHADE STRUCTURES - LINCOLN ROAD MALL
Lincoln Road public right-of-way between Washington Avenue and Lenox Avenue
Built 1960
Flamingo Park Historic District and National Register Architectural District

III. CURRENTLY LOCATED WITHIN AN HISTORIC SITE WITH A STATUS OF "CONTRIBUTING"
Recommendation: No action is necessary as these structures already have a status of "contributing" and are located within an historic site.

- A. THE GREAT SPIRIT STATUE
Median island between Pinetree Drive and Flamingo Drive just south of 41st Street
Built 1924
Pinetree Drive Historic Roadway
- B. 41ST STREET AND PINETREE DRIVE FOUNTAIN
Liebman Square at the southwest corner of 41st Street and Pinetree Drive
Built 1924
Pinetree Drive Historic Roadway

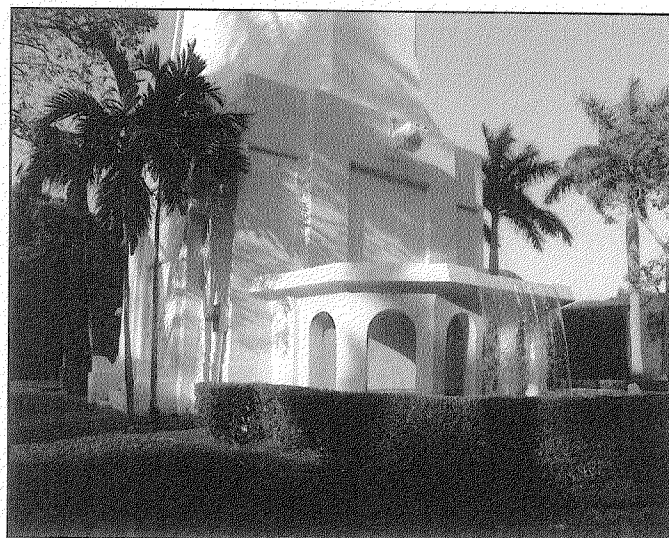
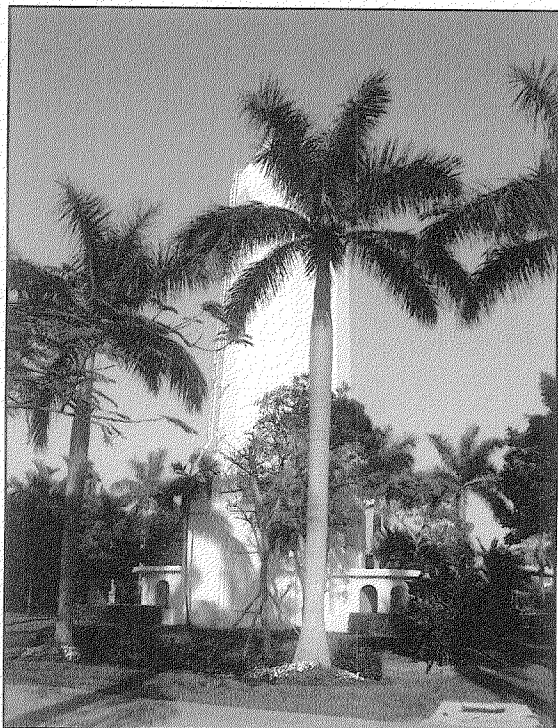
IV. CURRENTLY INDIVIDUALLY DESIGNATED AS AN HISTORIC SITE OR STRUCTURE
Recommendation: No action is necessary as these structures are already individually designated as an historic site or structure.

- A. FLAGLER MEMORIAL AND MONUMENT ISLAND HISTORIC SITE
Monument Island in Biscayne Bay
Built 1920
- B. 28TH STREET OBELISK AND PUMPING STATION HISTORIC STRUCTURE
300 West 28th Street in Fairgreen Park
Built 1926

Attachment II

DETAILED MASTER LIST OF CITY-OWNED MONUMENTS, FOUNTAINS, SCULPTURES AND MEMORIALS

I. CURRENTLY ELIGIBLE FOR DESIGNATION AS AN HISTORIC STRUCTURE



Name: STAR ISLAND WATER TOWER
Location: Buoy Park on Star Island in Biscayne Bay
Date Built: 1919
Designed By: Unknown
Contractor: Unknown
Commissioned By: Carl Fisher's Miami Ocean View Company built Star Island between 1917 and 1918. They commissioned the water tower to beautify the island's park and provide water pressure. Water was supplied to the tower from an artesian well with a depth of 1,000 feet.

Brief Description: The water tower has the stylistic feeling of a medieval watch tower or carillon (bell tower). The tower is composed of clean, crisp lines and multiple planes with blind recessed openings, stucco bands, and punched openings. These architectural elements enhance its bold, masculine design. The tower has two one-story wings that project from its north and south elevation walls. Each wing features a round arched colonnade that is set within a large fountain pool.

Acquired: The property was deeded to the City of Miami Beach by the Miami Ocean View Company for park purposes. The deed was filed for record on May 6, 1943.

Historic Status: Eligible for local historic designation

Recommendation: Request that the City Commission direct Planning Department staff to present a preliminary evaluation and recommendation report for consideration by the Historic Preservation Board relative to its possible designation as an historic structure.

Detailed Master List of City-Owned Monuments, Fountains, Sculptures & Memorials

I. Currently Eligible for Designation as an Historic Structure (continued)



Name: PALM ISLAND FOUNTAIN

Location: Landscaped median island at the intersection of Palm Avenue and Fountain Street

Date Built: circa 1920

Designed By: Unknown (but likely, John N. Bullen)

Contractor: Unknown

Commissioned By: The Biscayne Bay Islands Company built Palm and Hibiscus Islands by dredging material from Biscayne Bay. Work was completed first on Palm Island in 1921 and then on Hibiscus Island in 1924. The development company commissioned the fountain and an artesian well (1,000 feet in depth) to provide an adequate supply of water to the islands. The water was aerated by the fountain in the center of Palm Island.

Brief Description: The Classically-inspired fountain features four tiers with cascading water and a large circular pool underneath. The design of this fountain appears to be identical to the fountain at West 20th Street and Alton Road (now covered with a rock veneer). It is likely that these fountains were designed by the same architect, John N. Bullen. However, they were commissioned by different land development companies.

Acquired: The landscaped median islands within the public right-of-way of Palm Avenue and Fountain Street (including the fountain) were dedicated to the City of Miami Beach by the Biscayne Bay Islands Company for park and other public purposes. The deed of dedication was filed for record on November 6, 1928.

Historic Status: Eligible for local historic designation

Recommendation: Request that the City Commission direct Planning Department staff to present a preliminary evaluation and recommendation report for consideration by the Historic Preservation Board relative to its possible designation as an historic structure.

Detailed Master List of City-Owned Monuments, Fountains, Sculptures & Memorials

I. Currently Eligible for Designation as an Historic Structure (continued)



Name: WEST 20TH STREET AND ALTON ROAD FOUNTAIN

Location: Landscaped median island at the intersection of West 20th Street, Alton Road, and North Bay Road

Date Built: 1924

Designed By: John N. Bullen, architect

Contractor: Bunell and Cail

Commissioned By: The ornamental fountain was commissioned by the Miami Beach Bay Shore Company, a land development company founded by Carl Fisher and the Collins family in 1919.

Brief Description: The Classically-inspired fountain features four tiers with a large circular pool underneath. The fountain is now covered in a brown rock veneer called Chattahoochee. The design of this fountain appears to be identical to the fountain on Palm Island, which could be helpful in its future restoration.

Acquired: The property was deeded to the City of Miami Beach by the Miami Beach Bay Shore Company for park purposes. The deed was signed on July 13, 1926, and filed for record on April 23, 1931.

Historic Status: Eligible for local historic designation

Recommendation: Request that the City Commission direct Planning Department staff to present a preliminary evaluation and recommendation report for consideration by the Historic Preservation Board relative to its possible designation as an historic structure.

Detailed Master List of City-Owned Monuments, Fountains, Sculptures & Memorials

I. Currently Eligible for Designation as an Historic Structure (continued)



Name: THE POLO PLAYER STATUE

Location: Polo Park and the Nautilus School grounds on North Michigan Avenue between West 43rd Street and West 43rd Court

Date Built: 1924

Designed By: Ettore Pellegatta, sculptor

Contractor: John B. Orr

Commissioned By: The Polo Player is the only surviving statue of three that were commissioned by Carl Fisher for his polo fields just east of the Nautilus Hotel. The polo fields were bounded by West 46th Street to the north, West 41st Street to the south, Alton Road to the west, and North Meridian Avenue to the east. While the original location of the Polo Player is unknown at this time, the 1952 atlas of Miami Beach shows the "monument" at the point where North Michigan Avenue and West 42nd Street meet at the southern end of Polo Park. The statue is now located further north on North Michigan Avenue between West 43rd Street and West 43 Court near the tennis courts and school parking lot.

Brief Description: The 18-foot high statue features a male polo player who is swinging a long mallet (now missing) on horseback. The polo player and horse are mounted on top of a pedestal.

Acquired: The property was deeded to the City of Miami Beach by the Miami Beach Bay Shore Company for park and recreational purposes. (This land development company was founded by Carl Fisher and the Collins family in 1919.) The deed was filed for record on June 5, 1939.

Historic Status: Eligible for local historic designation

Recommendation: Request that the City Commission direct Planning Department staff to present a preliminary evaluation and recommendation report for consideration by the Historic Preservation Board relative to its possible designation as an historic structure.

Detailed Master List of City-Owned Monuments, Fountains, Sculptures & Memorials

I. Currently Eligible for Designation as an Historic Structure (continued)



Name:	<u>NORMANDY ISLE FOUNTAIN</u>
Location:	Henri Levy Park at the intersection of 71 st Street, Bay Drive, and Normandy Drive
Date Built:	1925
Designed By:	Unknown
Contractor:	Unknown
Commissioned By:	The ornamental fountain was commissioned by the developer of Normandy Isle, Henri Levy. It serves as a wonderful entrance feature to the Norman-inspired island.
Brief Description:	Designed in the Mediterranean Revival style, the ornamental fountain depicts an eight-sided pillar crowned with an open monitor-like finial with eight slender twisted columns. The pillar is set within a water basin at the center of a larger pool of water.
Acquired:	The streets, avenues, and easements (including the fountain and park) shown in the plat of the Isle of Normandy, Ocean Side Section, were dedicated by Henri Levy's Normandy Beach Properties to the City of Miami Beach by a resolution adopted on June 16, 1926. The area of the fountain and park were noted as Vendome Plaza in the 1944 and 1952 atlases of Miami Beach. The fountain and park were named for Henri Levy in a dedication ceremony on August 10, 1971.
Historic Status:	Eligible for local historic designation
Recommendation:	Request that the City Commission direct Planning Department staff to present a preliminary evaluation and recommendation report for consideration by the Historic Preservation Board relative to its possible designation as an historic structure.

Detailed Master List of City-Owned Monuments, Fountains, Sculptures & Memorials

I. Currently Eligible for Designation as an Historic Structure (continued)



- Name:** CARL FISHER MEMORIAL
- Location:** Carl Fisher Park at West 50th Street and Alton Road
- Date Built:** 1941
- Designed By:** Russell T. Pancoast, architect; Gustav Bohland, sculptor of the bronze bust; Edgar F. Sutton, stone work
- Contractor:** Grover Hodge
- Commissioned By:** After Carl Fisher's death in 1939, plans were made to turn the park that Fisher donated to the City of Miami Beach at West 50th Street and Alton Road into a memorial and final resting place for him. However, his widow instead preferred that his body be cremated and his remains taken to the family vault in Indianapolis. Nevertheless, his friends proceeded with their plans for a memorial to honor this great pioneer of Miami Beach. The memorial was funded through private donations. The Carl Fisher Memorial was dedicated in the park on April 10, 1941.
- Brief Description:** Designed in the Art Deco style, the memorial features a cast stone terrace with a central stele and curved seating areas at each end. The stele or wall slab frames a bronze bust of Fisher and depicts a carved map of Miami Beach. Below the bronze bust, the memorial is carved with the following words: "Carl Graham Fisher - He carved a great city from a jungle." Two grand stone fins define the far ends of the memorial.
- Acquired:** The property was deeded to the City of Miami Beach by the Miami Beach Bay Shore Company for park purposes. (This land development company was founded by Carl Fisher and the Collins family in 1919.) The deed was signed on July 13, 1926, and filed for record on April 23, 1931.
- Historic Status:** Eligible for local historic designation
- Recommendation:** Request that the City Commission direct Planning Department staff to present a preliminary evaluation and recommendation report for consideration by the Historic Preservation Board relative to its possible designation as an historic structure.

Detailed Master List of City-Owned Monuments, Fountains, Sculptures & Memorials

II. CURRENTLY LOCATED WITHIN AN HISTORIC DISTRICT BUT WITH NO STATUS ASSIGNED



- Name:** WORLD WAR I MEMORIAL
- Location:** Southeast corner of the Miami Beach Police Department site at 1100 Washington Avenue
- Date Built:** 1936
- Designed By:** B. Kingston Hall, architect
- Contractor:** Unknown
- Commissioned By:** The memorial was commissioned to honor the fallen soldiers of World War I. It was erected by the American Legion Post 85 and dedicated at the south plaza of the Miami Beach City Hall (now known as Old City Hall) at 1130 Washington Avenue. The dedication services were held in observance of Armistice Day on November 11, 1936. The ceremonies began at Miami's Bayfront Park. It was followed by a two-mile long parade that marched across the causeway to 5th Street and then up Washington Avenue to Old City Hall. The memorial was reportedly the first in Miami-Dade County to honor the dead of World War I.
- Brief Description:** The memorial is composed of a stele or wall slab that rests upon a base with two steps. The stele has engaged columns with bronze stars. There are currently four bronze plaques mounted to the stele. The uppermost plaque was original to the memorial in 1936. The memorial is finished in natural keystone. According to newspaper articles, the receptacle placed in the base of the memorial contains soil taken from an American trench near Chateau-Thierry in France. It also holds an American flag and a French flag brought from the grave of an unknown American soldier buried in the military cemetery at Romagne near the Meuse-Argonne battlefield.

Detailed Master List of City-Owned Monuments, Fountains, Sculptures & Memorials

II. Currently Located within an Historic District but with No Status Assigned (continued)

- Acquired:** The American Legion and the City of Miami Beach dedicated the World War I Memorial at the south plaza of Old City Hall on November 11, 1936. The American Legion then "dedicated" the memorial to the City of Miami Beach in 1946. The memorial was probably moved from its original location just south of Old City Hall around the time that a portion of Drexel Avenue was vacated (between 11th Street and 12th Street) and the new police station was constructed in 1987. The memorial is now situated in the plaza at the southeast corner of the main police station at 1100 Washington Avenue, just west of its original location.
- Historic Status:** Located within the local Flamingo Park District (designated June 20, 1990) and the Miami Beach National Register Architectural District (listed May 14, 1979)
- Recommendation:** Request that the Historic Preservation Board consider assigning a status of "contributing" for this structure, which is located within an historic district.

Detailed Master List of City-Owned Monuments, Fountains, Sculptures & Memorials

II. Currently Located within an Historic District but with No Status Assigned (continued)



- Name:** LUMMUS PARK TEMPERATURE AND DATE MONUMENT
- Location:** Southwest corner of the Oceanfront Auditorium site at 1001 Ocean Drive in Lummus Park
- Date Built:** 1959
- Designed By:** Robert and Leonard Glasser, architects
- Contractor:** Gaffney Construction
- Commissioned By:** The City of Miami Beach built the park structure just six years after the South Shore Community Center (now known as the Oceanfront Auditorium). The auditorium was also designed by Leonard Glasser.
- Brief Description:** The structure is composed of a free-standing wall that is mounted on top of a terrazzo terrace with two steps, a side bench, and a rear landscape planter. The wall features a temperature gauge, a date indicator, and metal letters spelling "Miami Beach." The wall slab is finished in pink marble and framed by a stucco band that is indented on the sides. The rear landscape planter is highlighted with an incised diamond pattern. The structure is about 16 feet in height.
- Acquired:** The City of Miami Beach purchased the strip of oceanfront land from 5th Street to 15th Street from J.N. and J.E. Lummus' Ocean Beach Realty Company for park purposes. The deed to this property was dated November 6, 1915. The City built the Beach Patrol Headquarters at 10th Street and Ocean Drive in 1939 and then added the Oceanfront Auditorium on the west side of the original building in 1953.
- Historic Status:** Located within the local Ocean Drive/Collins Avenue Historic District (designated July 23, 1986) and the Miami Beach National Register Architectural District (listed May 14, 1979)
- Recommendation:** Request that the Historic Preservation Board consider assigning a status of "contributing" for this structure, which is located within an historic district.

Detailed Master List of City-Owned Monuments, Fountains, Sculptures & Memorials

II. Currently Located within an Historic District but with No Status Assigned (continued)

Name: MORRIS LAPIDUS FOUNTAINS AND SHADE STRUCTURES – LINCOLN ROAD MALL

Location: Lincoln Road public right-of-way between Washington Avenue and Lenox Avenue

Date Built: 1960

Designed By: Morris Lapidus, architect

Contractor: Unknown

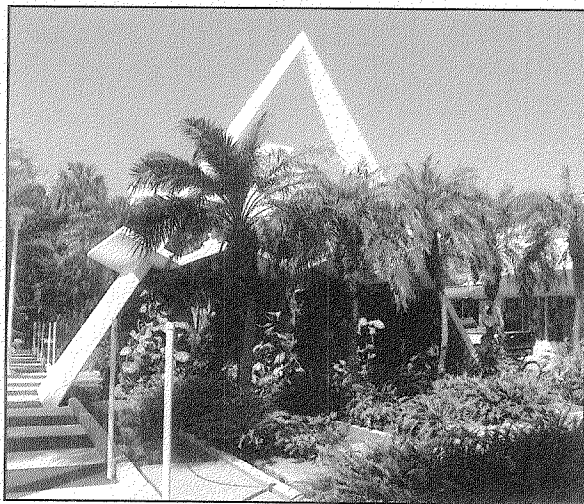
Commissioned By: To counter slipping business in the late 1950s, the merchants on Lincoln Road convinced the City of Miami Beach to convert the public right-of-way into an open-air pedestrian mall. The City commissioned Morris Lapidus to create the new mall with its fountains, shade structures, and landscape islands between Washington Avenue and Alton Road in 1959. The Lincoln Road Mall was completed in 1960 at a cost of \$600,000.

Brief Description: Morris Lapidus designed a series of geometric-inspired fountains, shade structures, and landscape islands for the new open-air pedestrian mall on Lincoln Road.

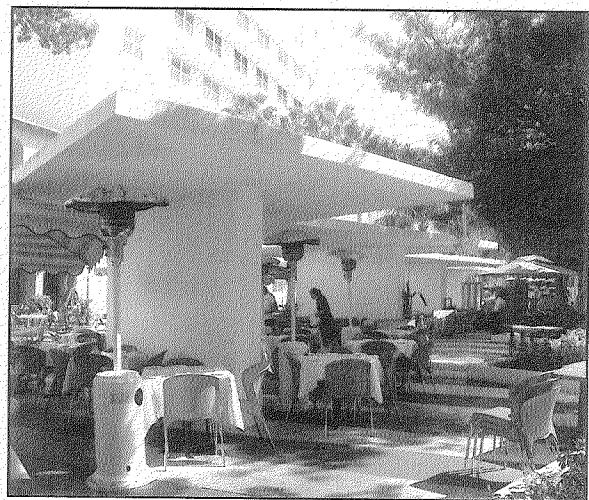
Acquired: The fountains, shade structures, and landscape islands lay within the public right-of-way of Lincoln Road. The roadway is located in several subdivisions platted by Carl Fisher's Alton Beach Realty Company from 1919 to 1924.

Historic Status: Located within the local Flamingo Park Historic District (expanded November 4, 1992) and the Miami Beach National Register Architectural District (listed May 14, 1979)

Recommendation: Request that the Historic Preservation Board consider assigning a status of "contributing" for these structures, which are located within an historic district.



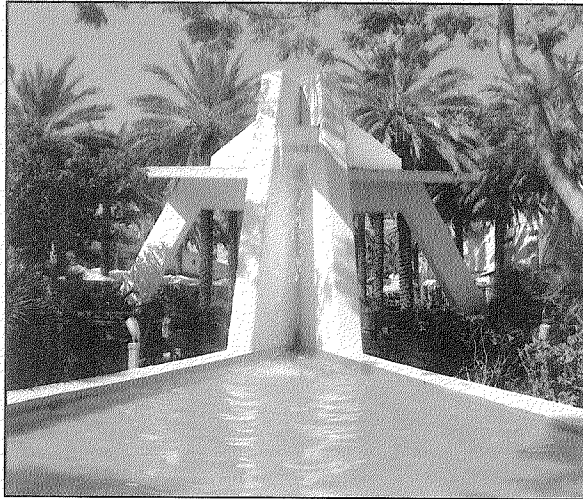
East side of a shade structure that is situated between Drexel Avenue and Pennsylvania Avenue. It features a dramatic pointed arch and an accordion-like canopy.



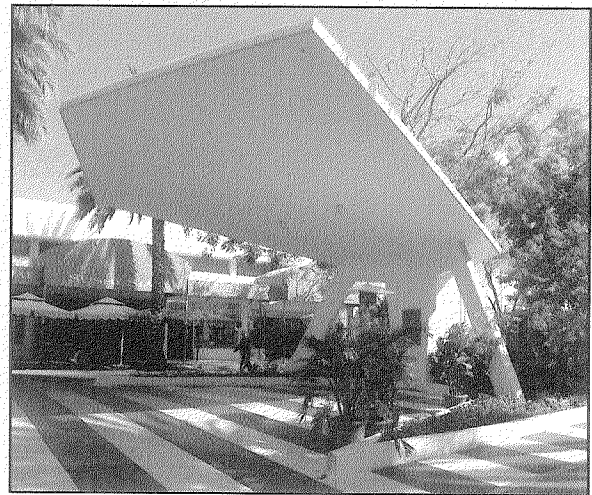
South side of a shade structure, located between Pennsylvania Avenue and Euclid Avenue, showing its zigzag design.

Detailed Master List of City-Owned Monuments, Fountains, Sculptures & Memorials

II. Currently Located within an Historic District but with No Status Assigned (continued)



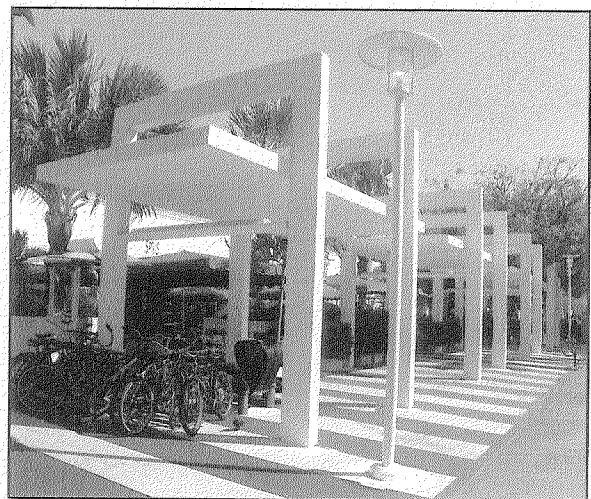
East side of a Space Age-inspired shade structure that is situated between Pennsylvania Avenue and Euclid Avenue. Water cascades into a delta-shaped fountain pool below.



West side of the same shade structure (image left) showing its cantilevered canopy and a dedication plaque (1999) to architect Morris Lapidus at the base. The shade structure was designed as an outdoor performance area.



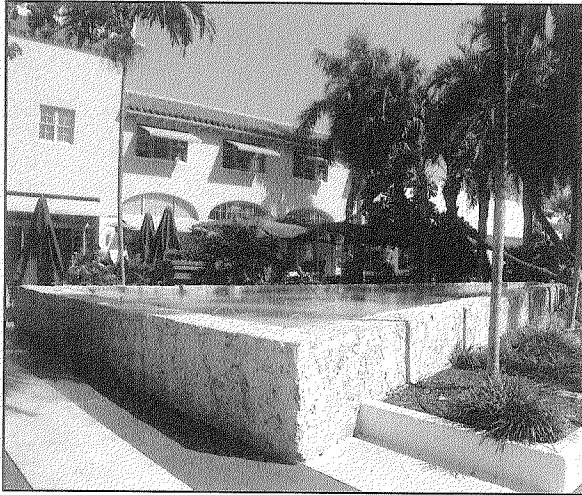
View looking towards the east across the oval-shaped landscape island at the intersection of Euclid Avenue. Commonly referred to as the Euclid Oval, it was specially designed by Morris Lapidus to provide raised seating for the outdoor performance area at its far eastern end.



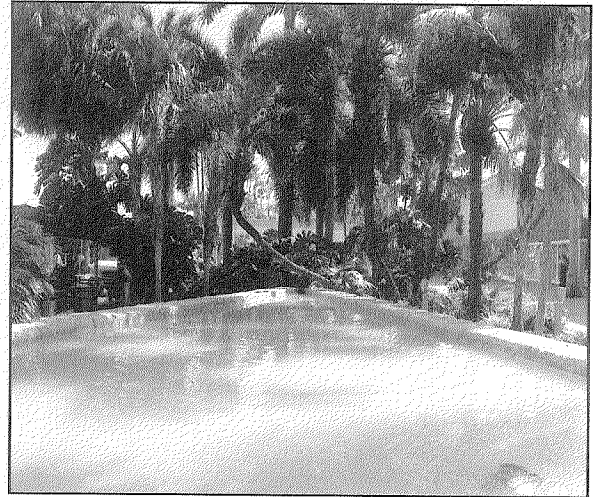
View looking towards the east of four identical shade structures that are located between Euclid Avenue and Meridian Avenue. They feature floating canopies that span between pairs of square-arched gates.

Detailed Master List of City-Owned Monuments, Fountains, Sculptures & Memorials

II. Currently Located within an Historic District but with No Status Assigned (continued)



Southwest corner of a triangular-shaped fountain that has side walls finished in natural keystone. It is situated between Meridian Avenue and Jefferson Avenue.



View looking towards the east over the same triangular-shaped fountain (image left).



View looking towards the east of a shade structure that is located between Meridian Avenue and Jefferson Avenue. Notice that its pie-shaped canopies are supported by slender pipe columns.



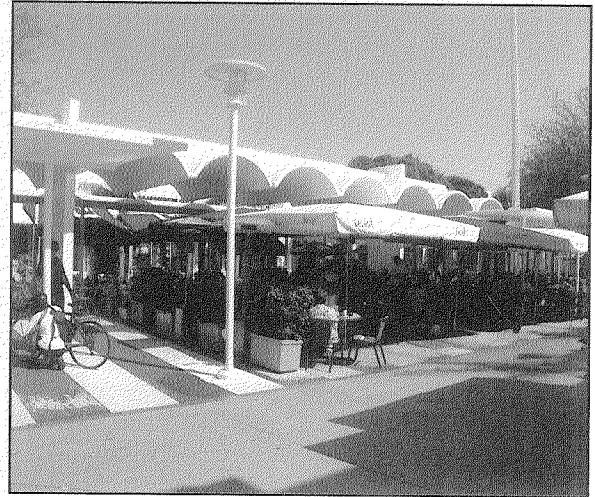
View looking towards the west over a long, rectangular-shaped fountain pool that has side walls finished in smooth stucco. It is situated between Jefferson Avenue and Michigan Avenue.

Detailed Master List of City-Owned Monuments, Fountains, Sculptures & Memorials

II. Currently Located within an Historic District but with No Status Assigned (continued)



View looking towards the northwest of a pair of futuristic shade structures situated between Jefferson Avenue and Michigan Avenue. They feature diamond-shaped canopies that appear to soar, splayed columns, and bases suitable for sitting.



South side of a shade structure, located between Michigan Avenue and Lenox Avenue, showing its canopy with continuous, suspended arches.

Detailed Master List of City-Owned Monuments, Fountains, Sculptures & Memorials

III. CURRENTLY LOCATED WITHIN AN HISTORIC SITE WITH A STATUS OF "CONTRIBUTING"



Name:	<u>THE GREAT SPIRIT STATUE</u>
Location:	Landscaped median island between Pinetree Drive and Flamingo Drive just south of 41 st Street
Date Built:	1924
Designed By:	Ettore Pellegatta, sculptor
Contractor:	John B. Orr
Commissioned By:	The Great Spirit statue was commissioned by Carl Fisher to identify the nearby southern entrance to his Nautilus Hotel and polo fields north of West 41 st Street and Alton Road. The statue was originally located just west of the Miami Beach Garden auditorium in a median island bordered by Alton Road, North Bay Road, and West 41 st Street. It was relocated to its present site at Pinetree Drive and 41 st Street in 1959 to make way for the construction of the Julia Tuttle Causeway.
Brief Description:	The 18-foot high statue depicts a Native American male in a chief's headdress mounted on a horse with its head lowered. The figure's right arm is raised towards the sky. The sculpture is mounted on top of a pedestal.
Acquired:	The property was deeded to the City of Miami Beach by John Collins' Miami Beach Improvement Company for park purposes. The deed was filed for record on October 15, 1927.
Historic Status:	Contributing structure located within the Pinetree Drive Historic Roadway (locally designated June 6, 2001)
Recommendation:	No action is necessary as this structure already has a status of "contributing" within an historic site.

Detailed Master List of City-Owned Monuments, Fountains, Sculptures & Memorials

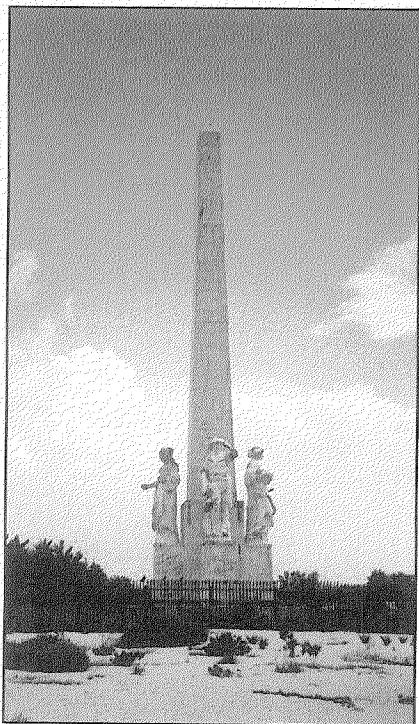
III. Currently Located within an Historic Site with a Status of "Contributing" (continued)



Name: 41ST STREET AND PINETREE DRIVE FOUNTAIN
Location: Liebman Square at the southwest corner of 41st Street and Pinetree Drive
Date Built: 1924
Designed By: Sculptor unknown (The contractor, John B. Orr, employed four sculptors at that time.)
Contractor: John B. Orr
Commissioned By: The ornamental fountain was commissioned by the Collins family. It is located within John Collins' former orchards and near his farm structures at 41st Street and Pinetree Drive.
Brief Description: The three-tiered ornamental fountain is set within a quatrefoil shaped pool. Each tier features a water basin with scalloped and rolled edges and a curvilinear base and pedestal. Two small lion heads are mounted on the side of the fountain's upper tier.
Acquired: The property was deeded to the City of Miami Beach by John Collins' Miami Beach Improvement Company for park purposes. The deed was filed for record on October 15, 1927.
Historic Status: Contributing structure located within the Pinetree Drive Historic Roadway (locally designated June 6, 2001)
Recommendation: No action is necessary as this structure already has a status of "contributing" within an historic site.

Detailed Master List of City-Owned Monuments, Fountains, Sculptures & Memorials

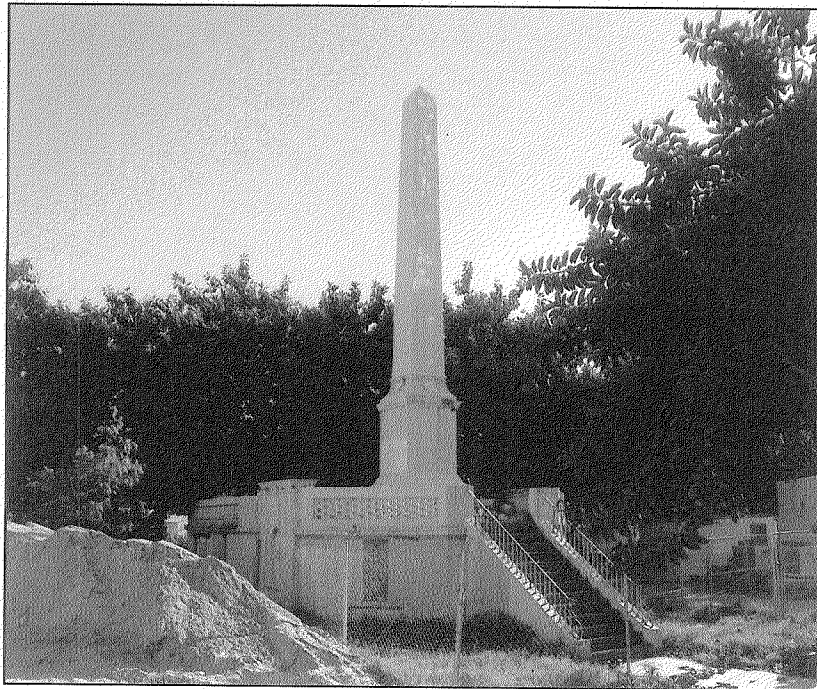
IV. CURRENTLY INDIVIDUALLY DESIGNATED AS AN HISTORIC SITE OR STRUCTURE



Name: FLAGLER MEMORIAL AND MONUMENT ISLAND HISTORIC SITE
Location: Monument Island in Biscayne Bay
Date Built: 1920
Designed By: Ettore Pellegatta and H.P. Peterson, sculptors
Contractor: John B. Orr
Commissioned By: In 1920, Carl G. Fisher built Monument Island by dredging material from Biscayne Bay. That same year he erected the memorial in the center of the originally circular island to honor Henry M. Flagler, a fellow pioneer and Florida developer who died in 1913.
Brief Description: The memorial features a 96-foot high obelisk with four allegorical figures at its base, which symbolize Prosperity, Industry, Education, and the Pioneer.
Acquired: The memorial and island were deeded to the City of Miami Beach by Carl Fisher's Alton Beach Realty Company. The deed was filed for record on February 13, 1939.
Historic Status: Historic Site (locally designated March 20, 2002)
Recommendation: No action is necessary as this structure is already individually designated as an historic site.

Detailed Master List of City-Owned Monuments, Fountains, Sculptures & Memorials

IV. Currently Individually Designated as an Historic Site or Structure (continued)



Name:	<u>28TH STREET OBELISK AND PUMPING STATION HISTORIC STRUCTURE</u>
Location:	300 West 28 th Street in Fairgreen Park
Date Built:	1926
Designed By:	Hazen and Whipple, civil engineers from New York City
Contractor:	The upper structure was built by the Merritt-Chapman and Scott Corporation.
Commissioned By:	The City of Miami Beach commissioned the obelisk and platform structure to conceal a new sewage pumping station within a residential neighborhood.
Brief Description:	The obelisk and platform structure were designed in the Mediterranean Revival style of architecture. The 40-foot high obelisk rises from an octagonal-shaped platform structure. The base of the obelisk features a decorative cast stone cartouche framed by scrolls and swags of garland and loose ribbons. Trefoil-shaped fountain pools with tucked bases decorate the east and west elevations of the platform structure.
Acquired:	The property was deeded to the City of Miami Beach by John Collins' Miami Beach Improvement Company for use as a sewage pumping station and park. The deed was filed for record on June 25, 1925.
Historic Status:	Historic Structure (locally designated February 23, 2005)
Recommendation:	No action is necessary as this structure is already individually designated as an historic structure.

Condensed Title:

A Resolution that Accepts the City Manager's Recommendation Relative to the Ranking of Firms Pursuant to Request for Qualifications (RFQ) No. 05-05/06 for a Planning/Impact Fee Consultant to Help Further Explore the Potential for an Impact Analysis and Mitigation Development System.

Key Intended Outcome Supported:

- Increase satisfaction with development and growth management across the City.

Issue:

Shall the City Commission adopt the Resolution?

Item Summary/Recommendation:

RFQ No. 05-05/06 was issued on November 21, 2005 with an opening date of January 13, 2006. A pre-proposal conference to provide information to firms considering submitting a response was held on December 15, 2005. BidNet issued bid notices to 106 prospective proposers, resulting in 24 proposers requesting the RFQ document, which resulted in the receipt of one (1) proposal from Clarion Associates.

The City Manager via Letter to Commission (LTC) No. 014-2006, appointed an Evaluation Committee ("the Committee"). On February 9, 2006, the Committee convened for its initial meeting. Committee members were all present. During the meeting the Committee members were provided information on the scope of the project by Richard Lorber, CMB Planning Department, Committee Member, and staff from the City's Procurement Division. The Committee was also provided references for Clarion Associates. The Committee spoke extensively on reasons why there was one response on this RFQ. The Procurement Division provided the Committee information on a survey questionnaire that was sent out to all planholders of the RFQ. The Procurement Division sent out 42 questionnaires and received 40 back.

Also attached is a tabulation of the responses by the 40 firms on the reasons why they elected not to submit a response to this RFQ.

It was the Committee's overall opinion that the City attempt to negotiate with Clarion Associates. It was evident to the Committee that Clarion Associates as well as their subconsultants have the expertise and the knowledge to provide the services as required under this RFQ.

Adopt the Resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
	1			
	2			
OBPI	Total			
Financial Impact Summary:				

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL <i>[Signature]</i> JG <i>[Signature]</i> RL <i>[Signature]</i>	TH <i>[Signature]</i>	JMG <i>[Signature]</i>

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO QUALIFICATIONS RECEIVED PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 05-05/06, FOR A PLANNING/IMPACT FEE CONSULTANT TO HELP FURTHER EXPLORE THE POTENTIAL FOR AN IMPACT ANALYSIS AND MITIGATION DEVELOPMENT SYSTEM; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH CLARION ASSOCIATES; AND SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH CLARION ASSOCIATES, APPROVE THE RE-ISSUANCE OF THIS RFQ.**

ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The Administration recommends that the City Commission accept the City Manager's recommendation and authorize negotiations with Clarion Associates. This RFQ is part of the initiatives based upon the City Commission's direction at its May 25, 2005 Growth Management Workshop.

As directed at the Growth Management Workshop, this Request for Qualifications (RFQ) for a planning/impact fee consultant to help further explore the potential for an impact analysis and mitigation development review system, has been developed by the Planning Department.

As detailed in the scope of services, the respondent firm would be required to study development impacts of projects over a certain threshold of intensity within the City. The study would produce data and analysis which will serve as a legal and planning basis to develop a system for the review of new proposed developments.

In order to properly assess and mitigate the potential impacts of future developments upon the infrastructure of the City, all "Major Developments" over a certain threshold of gross square footage will be reviewed by the established system. Based upon legal and planning feasibility analysis provided by the Consultant, the System may incorporate a phased development component, which would limit the amount of major development activity over time in relation to the impacts of such development on the City's infrastructure. The ultimate outcome of this RFQ would be the modification of the Land Development Code and Comprehensive Plan Ordinances in order to incorporate the System.

On October 19, 2005 the City Commission approved the issuance of RFQ No. 05-05/06 for a Planning/Impact Fee Consultant ("the Consultant") to help further explore the potential for an Impact Analysis and Mitigation Development Review System ("the System").

RFQ No. 05-05/06 was issued on November 21, 2005, with an opening date of January 13, 2006. A pre-proposal conference to provide information to firms considering submitting a response was held on December 15, 2005. It is to be noted that on the day of the Pre-RFQ submittal conference there were 4 firms in attendance and 6 firms who dialed – in via conferencing. BidNet issued bid notices to 106 prospective proposers, resulting in 24 proposers requesting the RFQ document, which resulted in the receipt of one (1) proposal from Clarion Associates.

The Procurement Division did not rely exclusively on BidNet's database to receive responses to this RFQ. An advertisement was sent to the American Planning Association, the Florida Bid Advertising System, and the local Daily Business Review as well as retrieving internet contact information of firms who provide the required services under this RFQ.

The City Manager via Letter to Commission (LTC) No. 014-2006, appointed an Evaluation Committee ("the Committee") consisting of the following individuals:

- Larry Herrup, Zoning Board of Adjustments Member and Resident;
- Fernando Vazquez, CMB City Engineer, Public Works Department;
- Leonard Turkel, Housing Authority Commissioner and Resident;
- Kevin Crowder, CMB Economic Development Division Director;
- Richard Lorber, CMB Planning and Zoning Manager, Planning Department

On February 9, 2006, the Committee convened for its initial meeting. Committee members were all present. During the meeting the Committee members were provided information on the scope of the project by Richard Lorber, CMB Planning and Zoning Manager, Committee Member. The Committee was also provided references for Clarion Associates. The Committee spoke extensively on reasons why there was one response on this RFQ, as it was considered a highly specialized area of expertise. The Procurement Division provided the Committee information on a survey questionnaire that was sent out to all planholders of the RFQ. The Procurement Division sent out 42 questionnaires and received 40 back. Below is a tabulation of the responses by the 40 firms on the reasons why they elected not to submit a response to this RFQ.

- 19 firms responded - Our Company does not handle this type of service or planning.
- 3 firms responded - We did not meet the minimum qualification necessary for this project.
- 1 firm responded - Our Company is simply not interested in providing a response at this time.
- 11 firms responded - Due to prior commitments, our company was unable to provide a response to this RFQ.
- 6 firms responded - Other Reasons such as "Unfortunately, we either did not receive RFQ-05-05/06 or it went to someone unfamiliar with how to respond." or "We are no longer serving the Florida market."

It was the Committee's overall opinion that the City attempt to negotiate with Clarion Associates. It was evident to the Committee that Clarion Associates as well as their subconsultants clearly have the expertise and the knowledge to provide the services as required under this RFQ.

In addition to the references, the Procurement Division was able to collect past performance information on Clarion Associates by sending a questionnaire to several past clients of Clarion Associates. Clarion Associates was given exceptional scores by all the past

clientele. The following are some of the comments sent in by their clients:

Cindy Houben, Community Development Director
Pitkin County, Colorado

"Don Elliott has been our main contact with the Clarion Group and has done an excellent job. He has been clear, grasps the complex Land Use issues and understands the applicable laws. They have experience with code format that has been extremely valuable. It is important to be very clear up front regarding expectations and cost involved in a project. Our project ended up having cost over runs and I feel that the project was underbid. We have a very complicated and involved land use Code so it would be hard for any group to accurately estimate the time involved coming up to speed in order to just get started."

Laura Dedenbach, Former Planning Director,
Alachua, Florida

"We are very pleased with Clarion Associates. We just had our first public hearing this past Monday on the entire LDRs. They were warmly received by the Commission and had public support. We took a bit longer with our LDR update than usual, because staff was updating the Comp Plan at the same time. Hiring Clarion enabled the City to complete these two important tasks in the most efficient timeframe. We will have adopted, completely revised LDRs within one year of the adoption of the new Comp Plan. Yet we were able to have a full citizen process and involve the community."

Ira Joseph, Division Manager – Comprehensive Planning,
City of Colorado Springs, Colorado

"Clarion Associates provided excellent technical work product, was very thorough, and was responsive to our needs"

After the Committee's evaluation of Clarion Associate's proposal and as well their references for past experience, it was the Committee's overall opinion to recommend that the City negotiate with the Clarion Associates. A motion was placed by Richard Lorber which was seconded by Larry Herrup.

Clarion Associates is a national land-use and growth management consulting firm with offices in Chapel Hill, North Carolina, Denver and Fort Collins, Colorado and affiliate offices in Chicago, Cincinnati and Philadelphia. With twelve years of national and international experience, Clarion Associates provides the best combination of services, such as land use, community development, infrastructure finance, impact fee, and planning implementation experience. The firm's members have or are working on growth strategies, development codes, and the design and implementation of impact fee programs/regulations in 24 states for numerous local governments.

Clarion Associates will be assisted by two nationally recognized subconsultant firms: TischlerBise and Glatting Jackson Kercher Anglin Lopez Rinehart (Glatting Jackson). Clarion Associates will serve as the Prime contractor, and will be responsible for project management, strategy design and development, and the preparation of development regulations designed to implement the development impact mitigation approach. TischlerBise will serve as principal in the review and analysis of the fiscal impacts of new development and assist in the preparation of the mitigation system. Glatting Jackson will assist with general strategy, review and analysis of the City's transportation system, travel demand characteristics, and assist in the development of the mitigation system.

Clarion Associates will bring the following strengths to the impact analysis and development mitigation system project.

- Team members have expertise in planning, growth management, impact analysis, transportation modeling/planning, proportionate share methods, economics, and the law.
- Extensive expertise with fiscal impact analysis, fiscal modeling, and cost recovery programs.
- Substantial expertise in Civil Engineering, transportation analysis, and environmental science.
- Broad Florida and national experience in the drafting and implementation of development codes and other regulatory approaches.
- A strong focus towards the development and implementation of regulatory systems and standards that is consistent with local goals, and relevant legal constraints.

RELATED EXPERIENCE PROJECT MANAGER

Craig Richardson

Mr. Richardson is a Vice President and Principal with Clarion Associates, and Director of the North Carolina office. Mr. Richardson is a planner/lawyer, who holds a MRP in City and Regional Planning from the University of North Carolina at Chapel Hill; a Juris Doctor from Stetson College of Law; and a BA (Honors) from Stetson. He has been a member of the Florida Bar for 25 years. Mr. Richardson has consulted with over 100 local government clients in 14 states on the preparation of general land development codes, zoning ordinances, affordable housing programs, impact fees, adequate public facility regulations, growth management strategies and other forms of land use regulation. In addition, he has had significant experience representing public sector clients in court in their defense of comprehensive plans, land use, and public facility finance regulations.

Representative Major Projects:

- Unified Development Ordinances for Rock Hill and Greenville, SC (in progress); Apex, SC; Zoning Codes for Kalamazoo, MI; Louisville, KY; Teton County, WY; Aspen, CO (APA Award of Merit)
- Land Development Codes in Florida: Palm Beach County; Alachua; St. Lucie County; Martin County; Collier County; City of Jacksonville Beach; and City of Clearwater.
- Growth Management Strategies and Comprehensive Plans in Southern Beaufort County, SC (Hilton Head); Henrico County, VA (Richmond); Wake County, NC; Williamson County, TN (Nashville); Southern Nevada Regional Plan (Las Vegas Valley).
- Impact fee programs in Larimer County, CO; Manatee County, FL; Dade County, FL; Henrico County (Richmond), VA; Palm Beach County, FL; Mount Pleasant, SC; State of Delaware; Washoe County, NV; and Citrus County, FL.
- Affordable housing programs in Teton County, WY; Pitkin County, CO; Basalt, CO.

GROWTH MANAGEMENT INITIATIVES

In addition to this RFQ, as an outcome of the Growth Management workshop on May 25, 2005, the Administration was directed to prepare a series of zoning code amendments based upon the City Commission's direction. The first of these ordinances, addressing residential parking requirements, was adopted at the Commission's last meeting on

February 8, 2006. In the coming months, additional proposals will be presented to the Planning Board and the Commission as part of this package of growth management initiatives, addressing development regulations, lot coverage and aggregation, commercial development over 50,000 square feet, and the fee in lieu of parking. These individual changes may be incremental, but should have a cumulative effect to slow and/or limit the amount of new development. Each potential amendment will also be analyzed for effect on workforce housing, and exemptions will be considered.

CONCLUSION

The Administration recommends approval of the attached Resolution accepting the recommendation of the City Manager pertaining to the ranking of Qualifications received pursuant to Request for Qualifications (RFQ) No. 05-05/06, for a Planning/Impact fee Consultant to help further explore the potential for an Impact Analysis and Mitigation Development System; authorizing the Administration to enter into negotiations with Clarion Associates; and should the Administration not be able to negotiate an agreement with Clarion Associates, approve the re-issuance of this RFQ.

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RESOLUTION TO BE SUBMITTED

Condensed Title:

Accept the City Manager's Recommendation Relative to the Ranking of Firms Pursuant to Request for Qualifications (RFQ) No. 30-04/05 or Architectural, Engineering, Urban Design, and Landscape Architecture Services for the Planning, Design, Bid and Award, and Construction Administration Services for the Construction of the Proposed 400 Space Cultural Campus Parking Garage.

Key Intended Outcome Supported:

- Ensure Well-Designed Quality Capital Projects.
- Improve Parking Availability.

Issue:

Shall the City Commission approve the City Manager's recommendation to accept the recommendation related to the ranking of firms and authorize negotiations with the top-ranked firm?

Item Summary/Recommendation:

RFQ No. 30-04/05 was issued on July 7, 2005 with an opening date of August 16, 2005. A pre-proposal conference to provide information to firms considering submitting a response was held on July 26, 2005. BidNet issued bid notices to 123 prospective proposers, resulting in 51 proposers requesting the RFQ document, which resulted in the receipt of the following nine (9) proposals from:

- Arquitectonica
- Avart Consulting Engineers
- BEA International
- MC Harry Associates
- MGE Architects
- Rich and Associates
- Sequeira & Gavarrete
- Tim Haahs Engineers
- Zyscovich

The City Manager via Letter to Commission (LTC) No. 278-2005, appointed an Evaluation Committee ("the Committee").

On January 31, 2006, the Evaluation Committee convened and were provided presentations by the four shortlisted firms. After Evaluation of proposals and Presentations from Consultants, the evaluation committee discussed the selection criteria as well as the ranking of all the firms. As per Section 287.055, Florida Statutes, known as the Consultants' Competitive Negotiation Act (CCNA), the Committee ranked no less than 3 firms. The three top ranked firms were:

- 1) Arquitectonica
- 2) Zyscovich, Inc.
- 3) MC Harry Associates

Accept the City Manager's Recommendation and Authorize Negotiations.

Advisory Board Recommendation:

N/A

Financial Information:


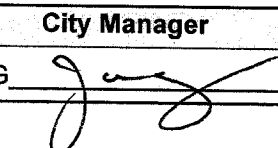
Source of Funds:	Amount	Account	Approved
1			
2			
OBPI	Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL _____ JC _____	TH 	JMG 

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MIAMI BEACH

AGENDA ITEM C7I
DATE 3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission
FROM: Jorge M. Gonzalez, City Manager *Jorge*
DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF QUALIFICATIONS RECEIVED PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 30-04/05, FOR ARCHITECTURAL, ENGINEERING, URBAN DESIGN, AND LANDSCAPE ARCHITECTURE SERVICES FOR THE PLANNING, DESIGN, BID AND AWARD, AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE CONSTRUCTION OF THE PROPOSED 400 SPACE CULTURAL CAMPUS PARKING GARAGE; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED FIRM OF ARQUITECTONICA; AND SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH THE TOP-RANKED FIRM, AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE SECOND-RANKED FIRM OF ZYSCOVICH, INC.; AND SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH THE SECOND-RANKED FIRM, FURTHER AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE THIRD-RANKED FIRM OF MC HARRY ASSOCIATES.**

ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On October 2, 1997, pursuant to the authorization of the City Commission, the Administration issued a Request for Letters of Interest (RFLI) for Architectural/Engineering Services to develop a design and prepare construction documents for a Regional Library, a 400 Space Parking Garage with retail space and park and streetscape improvements in a Cultural Arts Campus in the vicinity of, and including, Collins Park. On June 3, 1998, after presentations and considerable discussion, the Mayor and City Commission authorized the City to negotiate with Robert A. M. Stern Architects (Stern) for architectural and engineering (A/E) services.

On September 23, 1998, via Resolution 98-22904, the Mayor and City Commission authorized the City to execute an agreement between the City and Stern to provide A/E services to develop design and to prepare Construction Documents for a Regional Library and a 400 space Parking Garage with retail space, park and streetscape improvements in a Cultural Arts Campus in the vicinity of, and including, Collins Park.

The original intent for the location of the Parking Garage was north of the Miami City Ballet occupying two properties, one to the east belonging to the City of Miami Beach (City) and one on the west owned by a private party. In the end, the negotiations between the City and the private party to occupy the referenced property were not successful. On November 18, 1998, the City Commission directed the Administration not to proceed with the design of the 400 space Parking Garage and instead, design two surface parking lots.

On March 14, 2003, Walker Parking Consultants (Walker) presented to the City a Parking Supply / Demand Analysis. The analysis included future parking demand studies by areas throughout the City. The area designated as the Middle Hotel area included all areas east of Washington Avenue from Lincoln Road to 41st Street. The result of the Walker analysis with regard to the parking supply and demand in the Middle Hotel area is as follows:

Year	Effective Supply	Demand	Adequacy
2001	1,910	2,748	(838)
2002	1,910	2,775	(865)
2003	1,910	2,801	(891)
2004	1,910	2,828	(918)
2005	1,910	2,856	(946)
2006	2,079	3,168	(1,089)
2007	2,079	3,203	(1,124)
2008	2,079	3,238	(1,159)
2009	2,079	3,274	(1,195)
2010	2,079	3,311	(1,232)

The Effective Supply is the actual number of spaces provided by the City in the areas referred as the Middle Hotel area, the Demand refers to the number of spaces that the study indicated would be needed, Adequacy refers to the number of spaces which would be required to satisfy the demand. The numbers shown for 2006 and onward are estimates for future supply and demand parking requirements established by the Walker Study.

Based on this study, the Administration has evaluated options for additional parking in the Middle Hotel area, and has found that there is land available on which a parking garage can be constructed on both sides of Liberty Avenue, north of the Regional Library and the Miami Ballet buildings. The construction of this parking garage is required to provide residents and visitors with the parking spaces needed. The construction of this structure will alleviate some of the parking deficit in the area currently, but will not resolve a long-term parking deficit.

On July 6, 2005, the Mayor and City Commission approved the issuance of Request for Qualifications (RFQ) 30-04/05 to obtain qualifications from professional firms with the capability and experience to provide professional architectural, engineering, urban design, and landscape architecture services for the planning, design, bid and award, and construction administration for the construction of a new parking garage to include the two following options:

- A Parking Garage occupying the 2 surface lots divided by Liberty Avenue and connected at a higher elevation, creating a bridge above Liberty Avenue.
- A Parking Garage occupying the 2 surface lots and a portion of Liberty Avenue creating a drop off area on the ground floor with a main entrance on 23rd Street.

The two options should include a retail area on the first floor of at least 8,000 square feet, but preferably closer to 12,000 square feet; a small operations office (15' x15') with a restroom and two storage areas, one of them provided with air conditioning; space for new self-service equipment such as "pay on foot" and self-service snacks and beverages. The two proposals should also include a traffic impact analysis.

RFQ No. 30-04/05 was issued on July 7, 2005 with an opening date of August 16, 2005. A pre-proposal conference to provide information to firms considering submitting a response was held on July 26, 2005. BidNet issued bid notices to 123 prospective proposers, resulting in 51 proposers requesting the RFQ document, which resulted in the receipt of the following nine (9) proposals from:

- Arquitectonica
- Avar Consulting Engineers
- BEA International
- MC Harry Associates
- MGE Architects
- Rich and Associates
- Sequeira & Gavarrete
- Tim Haahs Engineers
- Zyscovich

The City Manager via Letter to Commission (LTC) No. 278-2005, appointed an Evaluation Committee ("the Committee") consisting of the following individuals:

- Thomas Mooney, Preservation and Design Manager, Planning Department (Chair);
- Fernando Vazquez, City Engineer, Public Works Department;
- Chuck Adams, Assistant Parking Director;
- Lilia Medina, City of Miami Transportation Manager, Ocean Front Resident;
- Mike Hammon, Collins Park Oversight Committee Member;
- Hiram G. Siaba, Senior Capital Projects Coordinator; and
- Ron Brenesky, Transportation and Parking Committee Member

On January 24, 2006, the Committee convened for its initial meeting. Committee members Ron Brenesky and Mr. Chuck Adams were unable to participate in the evaluation of firms, and due to conflict of interest, Mr. Mike Hammon was replaced in the Committee by Linda Rabin. Linda Rabin was unable to attend the meeting as well, but a quorum was reached since all other members were in attendance.

The Committee was provided information on the scope of the project by Hiram Siaba, Senior Capital Projects Coordinator, Committee Member, and staff from the City's Procurement Division. The Committee was also provided references for all the firms being evaluated.

Additionally, the Committee discussed the Evaluation Criteria, which was used to evaluate and rank the respondents:

1. The experience, qualifications and portfolio of the Principal Firm (15 points).
2. The experience, qualifications and portfolio of the Project Manager (20 points).
3. The experience and qualifications of the professional personnel assigned to the Project Team (10 points).
4. Willingness to meet time and budget requirements as demonstrated by past performance (5 points).

5. Certified minority business enterprise participation (5 points). *Either the Prime Consultant or the sub-Consultant team may qualify for proof of certification for minority business enterprise participation. Accepted minority business enterprise certifications include the Small Business Administration (SBA), State of Florida, or Miami-Dade County.*
6. Location (5 points).
7. Recent, current, and projected workloads of the firms (5 points).
8. The volume of work previously awarded to each firm by the City (5 points).
9. Demonstrated successful similar projects (15 points).
10. Demonstrated success in leading active collaborative stakeholder processes to achieve consensus on program and design in similar size and scope projects based on budget and size (15 points).

After evaluation of proposals, the Committee discussed the evaluation criteria which was used in the ranking of all the firms. It was the Committee's overall opinion to eliminate 5 of 9 firms who submitted proposals. The eliminated firms were; Avart Consulting Engineers, MGE Architects, Rich and Associates, Sequeira & Gavarrete and Tim Haahs Engineers. The remaining 4 shortlisted firms were to be invited to provide a 15 minute presentation with a 15 minute question and answer session at a later date. The 4 selected shortlist firms were:

- Arquitectonica
- BEA International
- MC Harry Associates
- Zyscovich

On January 31, 2006, the Committee convened and were provided presentations from the four shortlisted firms. Additionally, the Committee was briefed on the "Best Value Procurement" model by Dr. Dean Kashiwagi, Director of the Performance Based Studies Research Group, Arizona State University. Best Value Procurement is an innovative concept that results in the selection of high performing contractors, firms, consultants, and vendors. A Best Value Procurement process maximizes efficiency; increases performance; minimizes risk; and identifies obstacles that cause low efficiency and poor performance. Dr. Kashiwagi was able to guide the Committee in asking questions to each of the shortlisted firms referenced their past performance and how they measure that performance. Additionally, each Project Manager from each firm was interviewed and was asked to provide a schedule of activities, describe each activity and provide any risk associated with each of the milestones. After interviewing all four firms, each Committee member voiced their analysis of each firm and proceeded to rank all four firms.

The following matrix chart outlines the scores for each firms by each Committee Member.

Committee Member:	Thomas Mooney (Chair)	Fernando Vazquez	Chuck Adams	Lilia Medina	Hiram Siaba
Consultant:					
Arquitectonica	94 (1)	67 (2)	83 (1)	79 (2)	82 (2)
Zyscovich	85 (2)	71 (1)	79 (3)	83 (1)	79 (3)
Mc Harry Associates	84 (3)	55 (4)	81 (2)	69 (4)	89 (1)
BEA International	80 (4)	57 (3)	56 (4)	75 (3)	76 (4)

As per Section 287.055, Florida Statutes, known as the Consultants' Competitive Negotiation Act (CCNA), the Committee ranked no less than 3 firms.

LEGEND:

Arquitectonica	2-1st place votes	=	2x1=2
	3-2nd place vote	=	3x2=6
	TOTAL	=	8 = Ranked 1st
Zyscovich	2-1st place votes	=	2x1=2
	1-2nd place vote	=	1x2=2
	2-3rd place vote	=	2x3=6
	TOTAL	=	10=Ranked 2nd
MC Harry Associates	1-1st place votes	=	1x1=1
	1-2nd place vote	=	1x2=2
	1-3rd place vote	=	1x3=3
	2-4th place vote	=	2x4=8
	TOTAL	=	14=Ranked 3 rd

The firm of Arquitectonica was deemed to be the first ranked firm based on the experience and qualifications of their team. The Arquitectonica team have worked together successfully on similar projects which include parking structures and convention center expansions. The key individuals in this team have significant experience designing public buildings, private beachfront developments and municipal parking garages.

Arquitectonica has designed numerous projects around the world that meet the qualifications criteria for this project. Arquitectonica has designed many parking garages, for both municipal and private development; multipurpose facilities which include parking, retail, office and other uses; and mixed-use developments integrated into dense, urban settings.

Arquitectonica's team is comprised of the following highly specialized, local and nationally recognized firms: 1) Walker Parking Consultants, Structural Engineering Parking Consultants; 2) Tilden Lobnitz Cooper (TLC), Mechanical and Electrical Engineering; 3) Ibis Landscape Architecture, Landscape Architects; 4) Consul-Tech Enterprises, Inc., Civil Engineering; 5) Construction Estimating Services, Inc., Cost Estimating Services; and 6) David Plummer and Associates, Traffic Analysis Services.

Arquitectonica will offer the following to the City of Miami Beach:

- 28 years of professional experience in South Florida
- Assigned experienced staff who are able to meet the project demands and schedules within the required budget
- All team members have worked together before on successful project completions
- Past and present high profile project experience gathered through the continuous projects performed throughout South Florida
- Assist the City, as required, with public involvement events to build consensus and support for the project
- Develop realistic project schedule that meets the City's needs and includes sufficient time for reviews and our in-house quality control procedures

RELATED EXPERIENCE PROJECT MANAGER

Anne Cotter, AIA

Ms. Cotter will be the proposed Project Manager for Arquitectonica. Ms. Cotter is located in Arquitectonica's Miami office, approximately 6 miles from the Cultural Campus Garage Project Site. She will lead the Arquitectonica team in its day-to-day activities regarding this project. She will prepare work programs, manage team output and schedules, as well as coordinate and participate with Lead and Project Designers in the design of the project. Ms. Cotter will serve as the liaison point for the Arquitectonica project team.

Ms. Cotter's Qualifications:

- Florida Registered Architect; AR0091432
- 19 Years of experience working on projects in Asia, South Florida and other regions.
- Experience working on more than 15 garages in the State of Florida, totaling approximately 7,449 parking spaces.
- Three specific projects that demonstrate Ms. Cotter's experience and capacity in performing the services as required by the City of Miami Beach's Cultural Campus Parking Garage include:
 - 5th and Washington – 300 space Municipal Parking Garage
 - 17th & Lincoln – 709 space Municipal Parking Garage.
 - Bentley Beach Condominium = 146 space Parking Garage

The following references were secured by the Procurement staff for Arquitectonica, they are as follows:

Mr. Edward Villela, Director
Miami City Ballet
Miami Beach, Florida

"We were very pleased with the work and services of Arquitectonica and we would use them again on future projects."

Ms. Deborah Spiegelman, Director
Miami Children's Museum
Miami, Florida

"The Consultant met all budget requirements as well as met all milestone submittals, Consultant provide good quality work."

Mr. Scott Robins, Principal

Scott Robins Companies

17th & Michigan Public Parking Garage, Retail and Offices

"The quality of Arquitectonica's work was excellent, they met all deadlines and responsiveness to our demands was provided throughout the life of the project."

CONCLUSION

The Administration recommends approval of the attached Resolution accepting the recommendation of the City Manager pertaining to the Ranking of Qualifications received pursuant to Request for Qualifications (RFQ) No.30-04/05 for Architectural, Engineering, Urban Design, and Landscape Architecture Services for the Planning, Design, Bid and Award, and Construction Administration Services for the Construction of the Proposed 400 Space Cultural Campus Parking Garage; authorizing the Administration to enter into negotiations with the top-ranked Firm of Arquitectonica; and should the Administration not be able to negotiate an Agreement with the Top-Ranked Firm, Authorizing the Administration to negotiate with the second ranked firm of Zyscovich, Inc.; and should the Administration not be able to negotiate an agreement with the Second-Ranked firm, further Authorizing the Administration to negotiate with the Third-Ranked Firm of MC Harry Associates.

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RESOLUTION TO BE SUBMITTED

Condensed Title:

A Resolution Accepting the City Manager's Recommendation Relative to the Ranking of Firms Pursuant to a Request for Qualifications (RFQ) No. 34-04/05 for General Transportation Planning and Traffic Engineering Consulting Services, on an as needed basis, and Authorizing the Mayor and City Clerk to execute professional service agreements upon completion of successful negotiations with the 7 selected firms.

Key Intended Outcome Supported:

Improve traffic flow conditions.

Issue:

Shall the City Commission approve the City Manager's recommendation to accept the recommendation related to the ranking of firms and authorize execution of Professional Service Agreements?

Item Summary/Recommendation:

RFQ No. 34-04/05 was issued on July 14, 2005 with an opening date of August 19, 2005. A pre-proposal conference to provide information to firms considering submitting a response was held on August 2, 2005. BidNet issued bid notices to 98 prospective proposers, resulting in 34 proposers requesting the RFQ document, which resulted in the receipt of the following eleven (11) proposals:

1. CH Perez & Association
2. DMJM Harris
3. F.R. Aleman & Associates, Inc.
4. HDR Engineering, Inc.
5. Keith and Schnars
6. Kittleson & Associates, Inc.
7. McMahon Associates, Inc.
8. Post Buckley Schuh and Jernigan (PBS & J)
9. R.J. Behar & Company, Inc.
10. The Corradino Group
11. Wilbur Smith Associates

The City Manager via Letter to Commission (LTC) No. 278-2005, appointed an Evaluation Committee ("the Committee").

On December 6, 2005, the Committee convened, discussed the proposal by all the firms and shortlisted the 34 proposers to 7 firms. On January 23, 2006, the Committee convened and were provided presentations by the 7 shortlisted firms. After evaluation of proposals and presentations from consultants, the Committee discussed the selection criteria as well as various options in ranking all the firms. Given the wide spectrum of expertise provided, the Committee's overall opinion was that all 7 companies be qualified to provide multiple transportation and traffic engineering services to the City. A motion was made by Alan Fishman (Chair), that the ranking of firms would be waived and that all companies be recommended for potential award of contracts, adding that this option would be the most flexible and advantageous for the City and the Public Works Department. The motion was seconded and approved by all Committee members.

Accept the City Manager's recommendation and authorize negotiations.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
Total			

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Fred Beckmann

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL <i>[Signature]</i> FB <i>[Signature]</i>	RCM <i>[Signature]</i>	JMG <i>[Signature]</i>



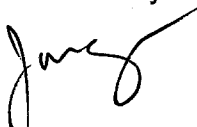
MIAMI BEACH

AGENDA ITEM C7J
DATE 3-8-06



COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez 

DATE: March 8, 2006

SUBJECT: **A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER AUTHORIZING THE ADMINISTRATION TO NEGOTIATE PROFESSIONAL SERVICES AGREEMENTS PURSUANT TO A REQUEST FOR QUALIFICATIONS (RFQ) NO. 34-04/05, FOR GENERAL TRANSPORTATION PLANNING AND TRAFFIC ENGINEERING CONSULTING SERVICES, ON AN AS NEEDED BASIS, FOR THE CITY OF MIAMI BEACH; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE PROFESSIONAL SERVICES AGREEMENTS UPON COMPLETION OF SUCCESSFUL NEGOTIATIONS WITH ANY OR ALL OF THE FOLLOWING SEVEN (7) FIRMS: 1) DMJM HARRIS; 2) HDR ENGINEERING, INC.; 3) KEITH AND SCHNARS; 4) KITTLESON & ASSOCIATES, INC.; 5) POST BUCKLEY SCHUH AND JERNIGAN (PBS&J); 6) R.J. BEHAR & COMPANY, INC.; AND 7) THE CORRADINO GROUP.**

ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On July 6, 2005, the Mayor and City Commission approved the issuance of Request for Qualification (RFQ) 34-04/05 for general transportation planning and traffic engineering consulting services, on an as needed basis. The purpose of this RFQ was to reinforce the Transportation Division's technical needs as transportation and traffic engineering challenges continue to grow citywide. Moreover, one of the City's key intended outcome is to Maintain and Improve Traffic Flow conditions. Further technical support will help the administration successfully meet this Key Intended Outcome.

The flexibility to hire out of a pool of available consulting firms specializing in transportation planning and traffic engineering services on demand is critical when developing an effective departmental process of review, planning and design. In addition, each selected firm has its own strengths in the complex and diverse area of transportation planning and traffic engineering. By having a variable pool to select from, the City can award to a company that better fits the task at hand. A few examples of such tasks are as follows:

- Regular update of the Miami Beach traffic database and levels of service.
- Update of the Automated Concurrency Management System.
- Preparation of a New Mobility Plan for Miami Beach.
- Conduct traffic/transportation studies requested by City Commission.
- Conduct traffic studies for bicycle/pedestrian facility projects, etc.

- Review the technical traffic impact studies required from developers for proposed projects in Miami Beach, and give prompt input to the Administration.

Moreover, the above-mentioned studies will most likely require staff resources, some degree of specialization, and equipment availability that can be provided only by a consulting firm.

The Miami Beach Concurrency Management Fund (CMF) and the Peoples' Transportation Plan Fund (PTP) are appropriate sources of funding for the individual tasks the City may choose to award.

RFQ No. 34-04/05 was issued on July 14, 2005 with an opening date of August 19, 2005. A pre-proposal was held on August 2, 2005. BidNet issued bid notices to 98 prospective proposers, resulting in 34 proposers requesting the RFQ document, which resulted in the receipt of the following eleven (11) proposals from:

1. CH Perez & Association
2. DMJM Harris
3. F.R. Aleman & Associates, Inc.
4. HDR Engineering, Inc.
5. Keith and Schnars
6. Kittleson & Associates, Inc.
7. McMahon Associates, Inc.
8. Post Buckley Schuh and Jernigan (PBS & J)
9. R.J. Behar & Company, Inc.
10. The Corradino Group
11. Wilbur Smith Associates

The City Manager via Letter to Commission (LTC) No. 278-2005, appointed an Evaluation Committee consisting of the following individuals:

- Alan Fishman, Transportation Parking Committee Member, (Chair);
- Frederick Sake, Attorney, Bikeways Committee Member; (Absent 12/6/05)
- Barrie Bamberg, Citizen; (Absent 12/6/05 and 1/23/06)
- Wilson Fernandez, AICP, Senior Planner, Metropolitan Planning Organization.
- Fernando Vazquez, P.E., City Engineer, Public Works Department;
- Richard Lorber, AICP, Senior Planner, Planning Department; and
- Maria T. Echeverry, Transportation Manager, Public Works Department.

On December 6, 2005, the Committee convened and a quorum was attained.

Fernando Vazquez, P.E., City Engineer, and staff from the City's Procurement Division addressed the committee and provided general information on the scope of services. The Committee was also provided references for all the firms being evaluated.

ANALYSIS (Continued)

The Committee also discussed the Selection Criteria, which was used to evaluate and rank the respondents:

- A. The experience, qualifications and (portfolio) of the Principal firm; (15 points).
- B. The experience, qualifications and (portfolio) of the Project Manager; (20 points).
- C. The experience and qualifications of the professional personnel assigned to the Project Team; (10 points).
- D. Project Approach; (5 points).
- E. Willingness to meet time and budget requirements as demonstrated by past performance; (5 points).
- F. Certified minority business enterprise participation; (5 points). *Either the Prime Consultant or the sub-Consultant team may qualify for proof of certification for minority business enterprise participation. Accepted minority business enterprise certifications include the Small Business Administration (SBA), State of Florida, or Miami-Dade County.*
- G. Location; (5 points).
- H. Recent, current, and projected workloads of the firms; (5 points).
- I. The volume of work previously awarded to each firm by the City; (5 points).
- J. Demonstrated successful similar projects; (10 points).
- K. Demonstrated success in leading active collaborative stakeholder processes to achieve consensus on program and design in similar size and scope projects based on budget and size (15 points).

After evaluation of proposals, the committee discussed the selection criteria as well as various options in ranking all the firms. It was the Committee's overall opinion to eliminate 4 companies; CH Perez & Association, F.R. Aleman & Associates, Inc., McMahon Associates, Inc., and Wilbur Smith Associates. The remaining 7 shortlisted companies were invited to provide a 10 minute presentation with 10 minute question and answer session at a later date. The 7 selected shortlist firms were:

- DMJM Harris
- HDR Engineering, Inc.
- Keith and Schnars
- Kittleson & Associates, Inc.
- Post Buckley Schuh and Jernigan (PBS & J)
- R.J. Behar & Company, Inc.
- The Corradino Group

On January 23, 2006, the Evaluation Committee convened with a quorum to further discuss the evaluation of the 7 remaining firms as well as receive presentations from the 7 firms. After completion of all presentations by all the firms' the evaluation committee discussed the selection criteria as well as various options in ranking all the firms. A motion was recommended by Alan Fishman (chair), that the ranking of firms would be waived and that all companies be recommended for potential award of contracts, adding that this option would be the most flexible and advantageous option for the City and the Public Works Department. The motion was seconded and approved by all Committee members.

CONCLUSION

The Administration recommends that the City Commission adopt the attached Resolution accepting the recommendation of the City Manager pursuant to Request for Qualifications (RFQ) No.34-04/05, for General Transportation Planning and Traffic Engineering Consulting Services, on an as needed basis; and authorizing the Mayor and City Clerk to execute Professional Services Agreements upon completion of successful negotiations with any or all of the following seven (7) firms: 1) DMJM Harris; 2) HDR Engineering, Inc.; 3) Keith and Schnars; 4) Kittleson & Associates, Inc.; 5) Post Buckley Schuh and Jernigan (PBS & J); 6) R.J. Behar & Company, Inc.; and 7) The Corradino Group.

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RESOLUTION TO BE SUBMITTED

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Condensed Title:

A Resolution approving the proposed final plat of the "Villagio Bay I", being a replat of Lots 6 and 7 of Lincoln Terrace Subdivision and "Villagio Bay II a replat of Lots 5,6,7,8,&9 of Bay Lincoln Subdivision.

Key Intended Outcome Supported:

Ensure well-maintained infrastructure.

Issue:

Shall the Mayor and City Commission approve the proposed final plat?

Item Summary/Recommendation:

Maefield Holdings Inc. LLC owner of Lots 6 and 7 of Lincoln Terrace Subdivision and Lots 5 through 9 of Bay Lincoln Subdivision, located at the west end of Lincoln Terrace and 16th Street along the Bay, applied to the City in 2004 to construct a three building development project over these lots.

The site development was approved by the City's Design Review Board at its July 20, 2004 meeting and by the Historic Preservation Board on September 14, 2004.

To construct this project with the below grade parking facilities, it was necessary to relocate two of the City's drainage pipes and stormwater outfalls which drain Lincoln Terrace and 16th Street, to the north and south side of the proposed development. This involved abandonment of existing drainage utility easements and dedication/acceptance of new drainage easements.

Redefined geometry of the new easements has triggered a replatting of the existing parcels in the new plat.

A Tentative Plat was submitted to the City and Miami-Dade County and approved in 2005. The attached Final Plat will be presented to Miami-Dade County for final approval and recordation, subject to approval by the City of Miami Beach. The City has included plat restrictions following requirements by the Design Review Board's final order and accessibility requirement to the storm easement by Public Works.

Administration recommends approving the Resolution.

Advisory Board Recommendation:**Financial Information:**

Source of Funds:	Amount	Account	Approved
1			
2			
OBPI			
Total			
Financial Impact Summary:			

City Clerk's Office Legislative Tracking:

Robert Halfhill, Public Works 6833

Sign-Offs:

Department Director	Assistant City Manager	City Manager
FHB <i>FHB</i>	<i>[Signature]</i>	<i>[Signature]</i>

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MIAMI BEACH

AGENDA ITEM C7K
DATE 3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE PROPOSED FINAL PLAT OF "VILLAGIO BAY I," BEING A REPLAT OF LOTS 6 AND 7 OF LINCOLN TERRACE SUBDIVISION AND "VILLAGIO BAY II," A REPLAT OF LOTS 5, 6, 7, 8, & 9 OF BAY LINCOLN SUBDIVISION, CITY OF MIAMI BEACH, MIAMI-DADE COUNTY FLORIDA, AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE PLAT ON BEHALF OF THE CITY.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Maefield Holdings Inc. LLC owns Lots 6 and 7 of Lincoln Terrace Subdivision and Lots 5 through 9 of Bay Lincoln Subdivision located at the west end of Lincoln Terrace and 16th Street along the Bay.

In April 2004, Maefield Holdings Inc. applied to the City's Design Review and Historic Preservation Board for approval of a development on the above mentioned lots, consisting of three separate buildings. The first building to the north will consist of restoring and renovating a 6 unit structure. The next building between Lincoln Terrace and 16th Street will have 99 units, and the southernmost one will have 5 residential units. All three buildings will share below grade parking.

The development was approved by the City's Design Review Board at its July 20, 2004 meeting and by the Historic Preservation Board on September 14, 2004.

However, in order to construct this project with the below grade parking facilities, it was necessary to relocate two of the City's drainage pipes and stormwater outfalls which drain Lincoln Terrace and 16th Street, to the north and south side of the proposed structure. This involved abandonment of existing drainage utility easements and dedication/acceptance of new drainage easements.

Redefined geometry of the new easements has triggered a replatting of the existing parcels in the new plat.

A Tentative Plat was submitted to the City and Miami-Dade County in 2005. The Tentative Plat, which was reviewed by the City's Public Works, Planning and Fire Departments was approved by the City and subsequently by Miami-Dade County.

Following the approval of the Tentative Plat the Final Plat (attached Exhibit "A") was submitted for approval by the City prior to submittal to the County for final approval and recordation.

The Final Plat was reviewed also by the City's Public Works, Planning, Parks and Fire Departments and by the City Attorney's office. The following plat restrictions were added under the Owner's Plat Restrictions due to width limitation and geometry of the new drainage easement as required by Public Works and conditions required by the Design Review Board Final Order:

- Owner agrees to maintain the drainage/utility easement, outfall, and all improvements related to the outfall located adjacent to the southern property line of the property, as more specifically provided for in a separately recorded instrument.
- Owner grants rights of pedestrian and vehicular access over and across the sidewalk adjacent to the western end of 16th Street, which owner shall maintain at 5 feet width free of obstructions.
- Owner has agreed to provide view corridors and rights to pedestrian access to the public from the public right-of-way at the western terminus of 16th Street and Lincoln Terrace to and on the baywalk fronting Biscayne Bay, as more specifically provided in a separately recorded instrument.

Planning Department has also requested that a unity of title or covenant in lieu of unity of title as required by Section 118-5 of the Miami Beach City Code be provided.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the Resolution approving the proposed final plat of the "Villagio Bay I", being a replat of Lots 6 and 7 of Lincoln Terrace Subdivision and "Villagio Bay II a replat of Lots 5, 6, 7, 8, & 9 of Bay Lincoln Subdivision, City Of Miami Beach, Miami-Dade County Florida, and authorizing the appropriate City officials to execute the plat on behalf of the City.

Attachments

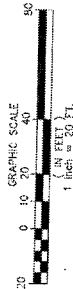
JMG/RM/FHB/RH/FAV

T:\AGENDA\2006\mar0806\consent\VillagioBayPlats Memo.doc

Villaggio Bay I

PLAT BOOK PAGE
SHEET 2 OF 2

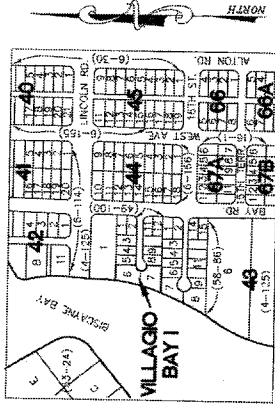
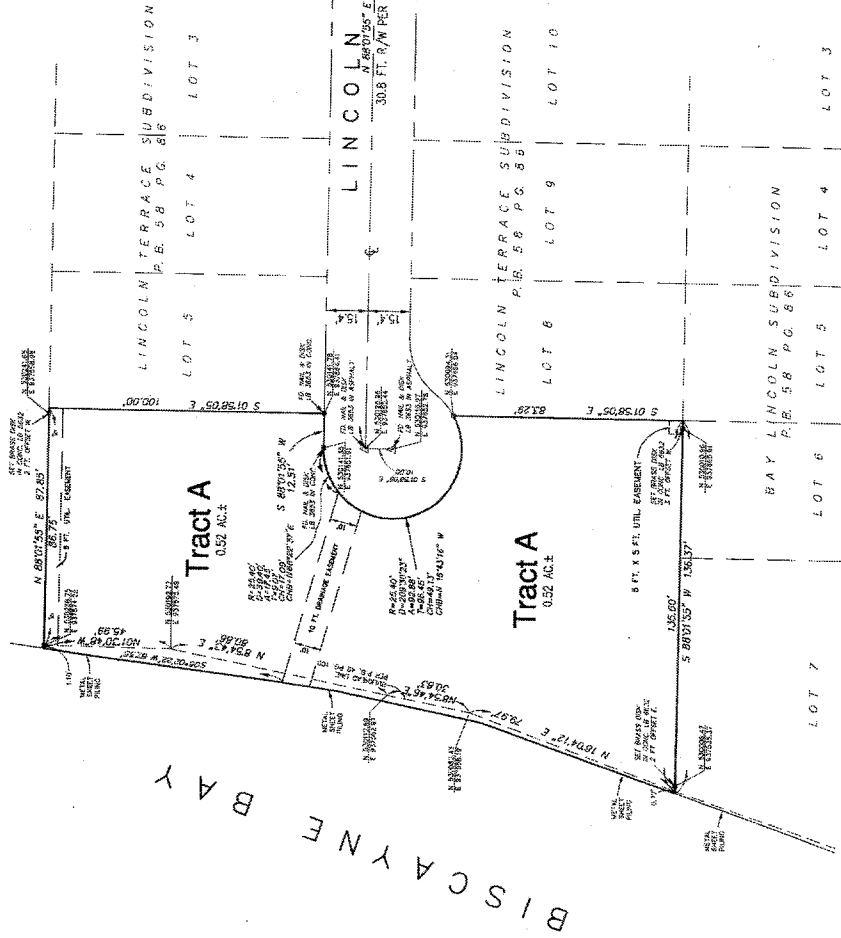
A REPLAT OF LOTS 6 AND 7 OF LINCOLN TERRACE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 49, PAGE 100, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN THE S.E. 1/4 OF SECTION 33, TOWNSHIP 53 SOUTH, RANGE 42 EAST, CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA



LEGEND

- PERMANENT REFERENCE MONUMENT (P.R.M.)
- △ PERMANENT CONTROL POINT (P.C.P.)

LOT 1 BLK. 43
ALTON BEACH BAYFRONT
P.B. 4 PG. 125



Location Map

PORTION OF SECTION 33 TOWNSHIP 53 SOUTH RANGE 42 EAST

ABBREVIATIONS:

- P.R.M. = PERMANENT REFERENCE MONUMENT
- P.C.P. = PERMANENT CONTROL POINT
- P.B. = PLAT BOOK
- P.G. = PAGE
- R/W = RIGHT-OF-WAY
- Q.T.B. = QUARTER SECTION
- S.E.C. = SECTION
- T.R. = TRACT
- C.C. = CONCRETE
- P.K. = PARKER KALON
- N.B. = LICENSED BUSINESS
- U.P.E.L. = UNITED STATES ATLAS DATUM
- D = DISTANCE
- A = ARC
- T = TANGENT
- C.H.L. = CHORD BEARING

SURVEYOR'S NOTES:

THE NORTH ARROWS AND BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF N01°50'05" E 300.80' TO THE CENTER OF LOT 10. THIS BEARING WAS GENERATED FROM STATE PLANE COORDINATES. ALL OTHER BEARINGS ARE RELATIVE THERE TO.

THE STATE PLANE COORDINATES SHOWN HEREON ARE RELATIVE TO NAD 83 FLORIDA FIRST ZONE 1983 ADJUSTMENT.

PREPARED BY:

J.H. MANUCY, INC.
 LAND SURVEYORS / CIVIL ENGINEERS
 4634 PALM AVENUE, SUITE 203
 HIALEAH, FLORIDA 33017
 TEL: (305) 821-1261 • FAX: (305) 825-1705
 NOVEMBER 2005

NOTICE:

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DESCRIPTION OF THE SUBDIVISION DESCRIBED HEREIN, AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS OR EASEMENTS RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

RECORDING STATEMENT

FILED FOR RECORD THIS DAY OF 2005 AT THE OFFICE OF THE CLERK OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THIS PLAT COMPLETES WITH THE LAWS OF THE STATE OF FLORIDA AND MIAMI-DADE COUNTY, FLORIDA.

BY: DEPUTY CLERK

PLAT BOOK _____ PAGE _____
SHEET 1 OF 2

A REPLAT OF LOTS 6 AND 7 OF LINCOLN TERRACE SUBDIVISION,

THAT MACCAPHS LLC, AN INDIANA LIMITED LIABILITY COMPANY, HAS CAUSED TO BE MADE THIS PLAY ENTITLED VILLAGO BAY I, THE SAME BEING A REPEAT OF THE FOLLOWING DESCRIBED PROPERTY.

EQUAL DESCRIPTION:
LOTS 6 AND 7 LINCOLN TERRACE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 49, PAGE 100, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

THE SURVEY IS SHOWN ON THE ATTACHED PAGE TOGETHER WITH ALL EXISTING AND PROPOSED REGULATIONS. THE SURVEY IS NOT A SUBSTITUTE FOR THE REGULATIONS DEDICATED TO THE PRINCIPAL USE OF THE PUBLIC PROPERTY. THE SURVEY IS NOT A SUBSTITUTE FOR THE REGULATIONS DEDICATED TO THE PRINCIPAL USE OF THE PUBLIC PROPERTY. THE SURVEY IS NOT A SUBSTITUTE FOR THE REGULATIONS DEDICATED TO THE PRINCIPAL USE OF THE PUBLIC PROPERTY.

MANAGER HAS AGREED TO PROVIDE NEW CORRIDORS AND RIGHTS OF PEDESTRIAN ACCESS TO THE PUBLIC FROM THE PUBLIC RIGHT-OF-WAY AT THE WESTERN TERMINUS OF MCGILL TERRACE TO AND ON THE BAYWALK FRONTING BISCAYNE BAY, AS MORE SPECIFICALLY PROVIDED IN A SEPARATELY RECORDED INSTRUMENT.

THE SAID MATCAPRI LLC, AN INDIANA LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE SIGNED FOR AND ON ITS BEHALF BY ITS ~~MANAGING MEMBER~~ **MANAGING MEMBER**, **MANAGING MEMBER**, CORPORATE SEAL TO BE HERETO AFFIXED THIS **14TH** DAY OF **DECEMBER**, 2025.

UNIT NAME: MATHS

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

S.S.

WE HEREBY CERTIFY: BEFORE ME THIS DAY, PERSONALLY APPEARED BEFORE ME, AN
OFFICER, AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGMENTS, MARK
J. J. DUBOIS, PRESIDENT OF THE MIAMI-DADE COUNTY WATER AND SEWERAGE
DEPARTMENT, TO ME WELL KNOWN TO BE THE PERSON DISCLOSED IN THE FOREGOING
INSTRUMENT AND WHO ACKNOWLEDGED THAT THE EXECUTION
OF THE FOREGOING INSTRUMENT WAS FIRST ACT AND DEED AS SUCH OFFICER FOR THE PURPOSES
HEREIN EXPRESSED.

William Cragg ROTARY PUBLIC STATE OF FLORIDA



THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DESCRIPTION OF THE SUBDIVIDED LANES DESCRIBED HEREIN, AND WILL, IN NO CIRCUMSTANCES, BE SUPERSEDED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

THIS IS TO CERTIFY THAT THIS DEED APPEARS TO CONFORM TO ALL OF THE REQUIREMENTS OF CHAPTER 28 OF MIAMI-DADE COUNTY, FLORIDA, CODE.

CERTIFIED THIS _____ DAY OF _____ A.D. 2005

 CLERK OF COUNTY

P.M. = PERMANENT REFERENCE MONUMENT
P.P. = PERMANENT CONTROL POINT
P. = PILING
P.B. = PLANT BOOK
P.W. = RIGHT OF WAY
P.D.B. = OFFICIAL RECORD BOOK
P.I. = INTERIM
P.C. = PLANT ON
P.K. = PARKER KALDA
P.L. = PLANT
N.E. = NORTH ATLANTIC DRUM
N.F. = NILEY
N. = NABLE
A. = ANGLE
T. = TANGENT
C. = CURVE
H.C. = HICKORY

E NORTH ARROW AND BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF N05°00'00"W ALONG THE CENTERLINE OF BAY ROAD. THIS BEARING DERIVED FROM STATE PLANE COORDINATES. ALL OTHER BEARINGS ARE RELATIVE THERE TO.

STATE PLANE COORDINATES SHOWN HEREON ARE RELATIVE TO NAD 83 FLORIDA ZONE 1600 ADJUSTMENT.

J.H. MANUCY, INC.
15 6632
LAND SURVEYORS / CIVIL - STRUCTURAL & ENVIRONMENTAL ENGINEERS

WOLFF, 2005

STREBY CENSUS THAT THE ATTACHED PLAT ENTITLED "VALLEJO WAY" IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS AS RECENTLY SURVEYED AND PLATTED UNDER DIRECTION AND THAT THE PERMANENT REFERENCE MONUMENTS WERE SET IN ACCORDANCE CHAPTER 277 PART 1 OF THE LAWS OF THE STATE OF CALIFORNIA, AND THAT PERMANENT CONTROL POINTS WERE SET WITHIN ONE YEAR OF THE DATE THIS WAS RECORDED.

THAT PRUDENT INVESTMENT & LOAN, A CALIFORNIA INDUSTRIAL BANK, THE OWNER AND
HOLDER OF THAT CERTAIN MORTGAGE DATED APRIL 27, A.D. 2005, AND RECORDED MAY
6, A.D. 2005 IN OFFICIAL RECORDS BOOK 23347 AT PAGE 2872 OF THE PUBLIC
RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DOES HEREBY CONSENT TO THIS PLAY AND
JOINS IN THE INDICATIONS HEREIN.

FREMYNT INVESTMENT & LOAN, A CALIFORNIA INDUSTRIAL BANK, HAS CAUSED THESE
 PRESENTS TO BE SIGNED FOR 13TH DAY OF DECEMBER, A.D. 2003

TESTED BY Dr. S. C. AS Vice President
AL GOWAN (TITLE)

STATE OF CALIFORNIA) ss.


 Christine Nguyen
 10110 16th Street, NW
 Washington, DC 20036
 (202) 462-1234
 christine@christine-nguyen.com



THIS PLAN HAS BEEN REVIEWED BY THE FOLLOWING PROFESSIONAL LAND SURVEYOR AND
 THE ENGINEER HAS BEEN REVIEWED BY THE CITY OF MIAMI BEACH IN ACCORDANCE WITH SECTION 177.08(1)
 OF THE FLORIDA STATUTES

DAY OF A.D. 2006

CERTIFIED THIS

THIS PLAN WAS APPROVED BY RESOLUTION NO. _____ PASSED AND ADOPTED BY THE BOARD OF MANAGER BEACH, FLORIDA, ON THIS _____ DAY OF _____ A.D. 2016. THIS PLAN SHALL NOT RESULT IN A VIOLATION IN THE LEVEL OF SERVICES FOR THE AFFECTED PUBLIC UTILITIES, BELOW THE LEVEL OF SERVICES PROVIDED IN THE MEASUREDITY'S COMPREHENSIVE AND

THIS PLAN IS HEREBY APPROVED FOR RECORD THIS 04/22/2006 DAY OF APRIL 2006
BY: DAVID DEWINTER
JOHN E. PARACHER
CITY OF ST. LOUIS

ED FOR RECORD THIS DAY OF _____, A.D. 2006, AT
COURT OF PLATE AT PLACE _____ OF THE PUBLIC RECORDS OF
MIAMI-DADE COUNTY, FLORIDA, THIS PAGE COMPLETES THE LAST OF THE STATE OF
FLORIDA AND MIAMI-DADE COUNTY, FLORIDA
JERRY RIVIN, CLERK OF CIRCUIT COURT

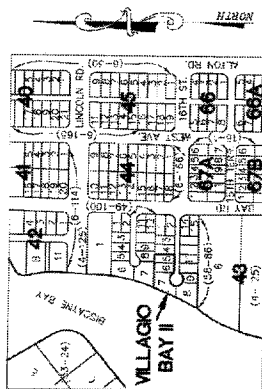
PLAT BOOK	PAGE
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100	100

SHEET 2 OF 2

GRAPHIC SCALE

0 10 20 30 40 50

1 inch = 20 feet



Location Map

PORTION OF SECTION 33, TOWNSHIP 53 SOUTH, RANGE 42 EAST

ABBREVIATIONS

[illegible]

Tract A

Tract A

LEGEND

• PERMANENT REFERENCE DOCUMENT (P.R.M.)
△ PERMANENT CONTROL POINT (P.C.P.)

SURVEYOR'S NOTES:

THE NORTH AIRFLOW AND BEARINGS SHOWN FIGURE 1 ARE BASED ON AN ASSUMED BEARING OF 010° TRUE ALONG THE CENTRIFUGAL BAY ROAD. THIS BEARING WAS DETERMINED BY THE STATE PLANE COORDINATE SYSTEM. ALL OTHER BEARINGS ARE RELATIVE THERE TO.

THE STATE PLANE COORDINATES SHOWN FIGURE 2 ARE RELATIVE TO NAD 83 FLORIDA EAST ZONE 1980 ADJUSTMENT.

NOTICE

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEFINITION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN, AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED BY ANY AUTHORITY. IF ANY OTHER GRAPHIC OR LINGUAL FORM OF THE PLAT, THERE MAY BE, CONTAINS ADDITIONAL RESTRICTIONS, THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

PREPARED BY:



H. MANTIC, INC.
LB 6632

SURVEYORS / CIVIL, STRUCTURAL & ENVIRONMENTAL ENGINEERS
6504 DALL AVENUE • SUITE 202

TEL: (305) 321-1281 • FAX: (305) 826-1705
-DALEAH, FLORIDA 33012
-3034 17th Ave. • Suite 203

NOVEMBER 2005

BY: _____ DEPUTY CLERK

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE PROPOSED FINAL PLAT OF "VILLAGIO BAY I", BEING A REPLAT OF LOTS 6 AND 7 OF LINCOLN TERRACE SUBDIVISION AND "VILLAGIO BAY II", A REPLAT OF LOTS 5, 6, 7, 8, & 9 OF BAY LINCOLN SUBDIVISION, CITY OF MIAMI BEACH, MIAMI-DADE COUNTY FLORIDA, AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE PLAT ON BEHALF OF THE CITY.

WHEREAS, Maefield Holdings Inc. LLC ("Applicant") owns Lots 6 and 7 of Lincoln Terrace Subdivision and Lots 5 through 9 of Bay Lincoln Subdivision ("Property") located at the west end of Lincoln Terrace and 16th Street along the Bay; and

WHEREAS, Applicant applied to the City's Design Review and Historic Preservation Boards to develop the Property, said development consisting of three separate buildings interconnected with a below-grade parking; and

WHEREAS, the development was approved by the City's Design Review Board at its July 20, 2004 meeting and by the Historic Preservation Board on September 14, 2004; and

WHEREAS, in order to construct this project with the below-grade parking facilities, it was necessary to relocate two of the City's drainage pipes and stormwater outfalls which drain Lincoln Terrace and 16th Street, to the north and south side of the proposed buildings; and

WHEREAS, the relocation of the drainage system involved abandonment of existing utility easements and dedication and acceptance of new drainage easements, which would be best described by a legal sketch replatting the existing Lots and easements; and

WHEREAS, the Applicant submitted a Tentative Plat to the City and Miami-Dade County, which was reviewed by the City's Public Works, Planning and Fire Departments, and was subsequently approved by the City and Miami-Dade County in 2005; and

WHEREAS, the Planning Department has required that pursuant to Section 118-5 of the Miami Beach City Code, a unity of title or covenant in lieu of unity of title be provided for the parcels or Tracts in "Villagio Bay I" and "Villagio Bay II"; and

WHEREAS, to finalize these Plats, the City's Public Works Department, Planning Department and City Attorney's Office have reviewed the proposed Final Plats of "Villagio Bay I" and "Villagio Bay II", attached as Exhibit "A", and following revisions and restrictions that were incorporated in said plats, are recommending that the Mayor and City Commission approve and accept said final plats.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission adopt this Resolution approving, subject to final approval of same by the authorized officials in Miami-Dade County, the proposed final plat of "Villagio Bay I", being a replat of Lots 6 and 7 of Lincoln Terrace Subdivision, as recorded in Plat Book 49 Page 100 of the Public Records of Miami-Dade County, Florida; and "Villagio Bay II", being a replat of Lots 5, 6, 7, 8 and 9 of Bay Lincoln Subdivision, as recorded in Plat Book 58 Page 86 of the Public Records of Miami-Dade County, Florida, all lying within the City of Miami Beach, Miami-Dade County Florida, together with all the noted dedications, restrictions and easements therein, and authorizing the appropriate City officials to execute the plat on behalf of the City.

PASSED and ADOPTED this _____ day of _____, 2006

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

M. H. Dubler 3-2-06
CITY ATTORNEY *JA* Date

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Condensed Title:

A Resolution setting a public hearing on April 11, 2006, to consider an after-the-fact Revocable Permit request to retain portions of a stair, columns, landscaping and a masonry fence wall, by the Raleigh Hotel at 18th Street.

Key Intended Outcome Supported:

Protect historic building stock.

Issue:

Shall a Public Hearing be scheduled for April 11, 2006?

Item Summary/Recommendation:

The Raleigh Hotel located at 1775 Collins Avenue, between 17th and 18th Streets east of Collins Ave., has encroachments within 18th Street right-of-way, consisting of the bottom 3 steps of the entrance stairway, columns, landscaping and a masonry fence wall.

The owner, AB Green Raleigh, LLC, in order to retain some of these features which are encroaching within the right-of-way, has applied for a Revocable Permit for the use of the City right-of-way occupied by these encroachments.

Pursuant to City Code, Chapter 82, Article III, Division 2, upon receipt of a Revocable Permit application, the City Commission shall schedule a public hearing to consider the request for use of the public right-of-way.

The Administration recommends that a public hearing be scheduled for April 11, 2006.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Robert Halfhill, Public Works 6833

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		<i>James</i>

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING ON APRIL 11, 2006, TO CONSIDER AN AFTER-THE-FACT REVOCABLE PERMIT REQUEST BY AB GREEN RALEIGH LLC, OWNER OF "THE RALEIGH," FOR RETAINING PORTIONS OF A STAIR, COLUMNS, LANDSCAPING AND A MASONRY FENCE WALL IN THE CITY RIGHT-OF-WAY, OVER AN APPROXIMATE 668 SQ. FT. AREA, ADJACENT TO THE PROPERTY LOCATED AT 1775 COLLINS AVENUE.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

Pursuant to City Code, Chapter 82, Article III, Division 2, upon receipt of a Revocable Permit application, the City Commission shall schedule a public hearing to consider the request for use of the public right-of-way.

AB Green Raleigh, LLC., owner of the Raleigh Hotel located at 1775 Collins Avenue, has submitted an application for a Revocable Permit requesting to retain encroachments within the south side of the 18th Street right-of-way. These encroachments, some of which have existed for many years, consist of: 1.) - The west end of the north privacy wall surrounding the pool deck; 2.) - The bottom three steps of the stairs leading to the hotel entrance; and 3.) - The columns and landscaping framing the north exit driveway of the hotel. (Exhibit "A").

ANALYSIS

The applicant, in compliance with Revocable Permit requirements, has provided the City with a list of property owners within a radius of 375 feet to be notified of the scheduled public hearing, and the after-the-fact permit fee.

Mailed notices of this public hearing shall be provided at least 15 days prior to the hearing to those owners lying within the 375 feet of the subject property. The notice shall indicate the date, time and place of the hearing and the nature of the request and shall invite written comments and/or participation at the hearing.

The application shall be evaluated using the criteria for a revocable permit listed in Section 82-94 of the City Code which are as follows:

- (1) That the applicant's need is substantial.
- (2) That the applicant holds title to an abutting property.
- (3) That the proposed improvements comply with applicable codes, ordinances, regulations, neighborhood plans and laws.
- (4) That the grant of such application will have no adverse effect on governmental/utility easements and uses on the property.
- (5) Alternatively:
 - a. That an unnecessary hardship exists that deprives the applicant of a reasonable use of the land, structure or building for which the revocable permit is sought arising out of special circumstances and conditions that exist and were not self-created and are peculiar to the land, structures or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district and the grant of the application is the minimum that will allow reasonable use of the land, structures or building; or
 - b. That the grant of the revocable permit will enhance the neighborhood and/or community by such amenities as, for example, enhanced landscaping, improved drainage, improved lighting, and improved security.
- (6) That granting the revocable permit requested will not confer on the applicant any special privilege that is denied by this article to other owner of land, structures or buildings subject to similar conditions located in the same zoning district.
- (7) That granting the revocable permit will be in harmony with the general intent and purpose of this article, and that such revocable permit will not be injurious to surrounding properties, the neighborhood, or otherwise detrimental to the public welfare.

CONCLUSION

Recommend the City Commission set a time on April 11, 2006, for a public hearing, during the Commission meeting.

Attachments

JMG/RM/FHB/RH/FAV

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING ON APRIL 11, 2006, TO CONSIDER AN AFTER-THE FACT REVOCABLE PERMIT REQUEST BY AB GREEN RALEIGH LLC, OWNER OF THE RALEIGH HOTEL LOCATED AT 1775 COLLINS AVENUE, TO RETAIN PORTIONS OF A STAIR, COLUMNS, LANDSCAPING AND A MASONRY FENCE WALL IN THE ADJACENT CITY RIGHT-OF-WAY, OVER AN APPROXIMATELY 668 SQ. FT..

WHEREAS, AB Green Raleigh, LLC.(Applicant) owns the Raleigh Hotel, located at 1775 Collins Avenue; and

WHEREAS, the Applicant has submitted an application for an after the fact Revocable Permit requesting to retain certain existing encroachments within the south side of the 18th Street public right-of-way; and

WHEREAS, the encroachments which the Applicant has requested to retain over an approximately 668 sq. ft. of public right-of-way, some of which have existed for many years, consist of: 1.) The west end of the north privacy wall surrounding the pool deck; 2.) the bottom three steps of the stairs leading to the hotel entrance; and 3.) the columns and landscaping framing the north exit driveway of the hotel; all as depicted in the sketch attached as Exhibit "A" hereto; and

WHEREAS, pursuant to Section 82-92 of the City Code, a completed application for Revocable Permit has been received and reviewed by the City's Public Works Department; and

WHEREAS, pursuant to Chapter 82, Article III, Division 2, Section 82-93 of the City Code, the Mayor and City Commission are required to hold a public hearing to consider the aforestated request for Revocable Permit; and

WHEREAS, accordingly, mail notices of the public hearing, at least fifteen (15) days prior to the hearing date, shall also be provided to owners of properties lying within 375 feet of the Applicant's property.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY

COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that a public hearing to consider a request for an after-the-fact Revocable Permit by AB Green Raleigh, LLC., as owner of the Raleigh Hotel, located at 1775 Collins Avenue, Miami Beach, Florida, to retain portions of a stair, columns, landscaping and a masonry fence wall in the adjacent City right-of-way, is hereby called to be held before the Mayor and City Commission in their Chambers on the Third Floor of City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on April 11, 2006, beginning at or no earlier than _____, and the City Clerk is hereby authorized and directed to publish appropriate public notice of the said Public Hearing in a newspaper of Miami Beach, at which time and place all interested parties will be heard.

PASSED and **ADOPTED** this _____ day of _____, 2006


ATTEST:

MAYOR

CITY CLERK

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

3/2/06

Date

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Condensed Title:

A Resolution of the Mayor and City Commission ratifying a contract to Last Chance Glass, Inc., in the total amount of \$143,500 to provide for the removal of windows, doors, and frames and replacement with impact resistant windows, doors, and frames at the South Shore Community Center.

Key Intended Outcome Supported:

Well Maintained Facilities

Issue:

Shall the Commission ratify the contract to Last Chance Glass?

Item Summary/Recommendation:

In accordance with Resolution No. 2001-24677 adopted by the City Commission on November 28th, 2001 the Property Management Director, is providing General Contracting services including bidding, the award of contracts for work, and change orders necessary for the renovation of the South Shore Community Center. After structural plans and specifications were prepared to meet the needs of the Project and required regulatory reviews were complete, three (3) commercial glazing contractors that specialized in impact resistant window and door systems were contacted to provide bids on the project resulting in three responsive bids. After reviewing the bids and references, the Property Management Director determined that Last Chance Glass, Inc. was the lowest responsive responsible bidder for the scope of work required and issued a contract that was reviewed by the Legal Department and executed by the Mayor and City Clerk for the work.

Adopt the Resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1	\$ 143,500	374.2170.067357	
2			
3			
4			
Total	\$ 143,500		



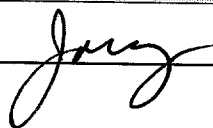
OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Brad A. Judd; Property Management Director

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND MEMBERS OF THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RATIFYING A CONTRACT IN THE TOTAL AMOUNT OF \$143,500, TO LAST CHANCE GLASS, INC., TO PROVIDE FOR THE REPLACEMENT OF ALL WINDOWS, DOORS, AND FRAMES WITH IMPACT RESISTANT WINDOWS, DOORS, AND FRAMES AT THE SOUTH SHORE COMMUNITY CENTER.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Because of deterioration of the windows and door systems at the South Shore Community Center due to age and the need to provide hurricane protection to the facility, the replacement of all windows, doors, and frames with impact resistant windows, doors and frames was included in the scope of work for the renovation of the South Shore Community Center Project.

The Mayor and City Commission, at the November 28, 2001 Commission meeting, adopted Resolution No. 2001-24677, which authorized the Property Management Director to serve as the Certified General Contractor for the renovations of the South Shore Community Center. The Property Management Director exercised the authority given to him by the City Manager and City Commission, and developed a scope of work and structural plans and specifications required for the project and submitted the plans to the Planning Department's Historic Preservation Division and the Building Department for required approvals. The Property Management Director also prepared a Request for Quotations #VA-QT09-OO5 that was required to provide a method to obtain competitive bids for the work.

After the structural plans and specifications were complete to meet the permitting requirements of the Project and the required regulatory reviews and approvals were obtained, three (3) commercial glazing contractors that specialized in impact resistant window and door systems were contacted to provide bids on the project resulting in three responsive bids. After reviewing the bids and references, the Property Management Director determined that Last Chance Glass, Inc. was the lowest responsive responsible bidder for the scope of work required and issued a contract to Last Chance Glass, Inc., in the total amount of \$143,500, that was reviewed by the Legal Department and executed by the Mayor and City Clerk for the work.

CONCLUSION

The Administration recommends that the Mayor and Members of the City Commission ratify the Property Management Director's contract to Last Chance Glass, Inc., in the total amount of \$143,500 to provide for the replacement of the windows, doors, and frames with impact resistant windows, doors and frames at the South Shore Community Center.

JMG/RCM/FHB/BAJ

T:\AGENDA\2006\mar0806\Regular\Ratify South Shore CC Impact Glass MEMO.doc

CITY OF MIAMI BEACH PROPERTY MANAGEMENT DIVISION
 GLASS DOORS AND WINDOWS REPLACEMENT PROJECTS AT SOUTH SHORE COMMUNITY CENTER
 QUOTATION VA-QT 09-005
 TABULATION SHEET

DESCRIPTION	Last Chance Glass, Inc.	Progressive Glass Inc.	Sunryse Construction Services Inc.
Glass doors and window replacement	\$143,500.00	\$144,375.00	\$208,500.00

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RATIFYING A CONTRACT, IN THE TOTAL AMOUNT OF \$143,500, TO LAST CHANCE GLASS, INC., TO PROVIDE FOR THE REPLACEMENT OF ALL WINDOWS, DOORS, AND FRAMES AT THE SOUTH SHORE COMMUNITY CENTER, WITH IMPACT RESISTANT WINDOWS, DOORS, AND FRAMES.

WHEREAS, because of deterioration of the windows and door systems at the South Shore Community center due to age and the need to provide hurricane protection to the facility, the replacement of all windows, doors, and frames with impact resistant windows, doors and frames was included in the scope of work for the renovation of the South Shore Community Center Project (the Project); and

WHEREAS, the Mayor and City Commission, at its November 28th, 2001 meeting, adopted Resolution No. 2001-24677, which authorized the Property Management Director to serve as the certified general contractor for the renovations of the South Shore Community Center; and

WHEREAS, the Property Management Director exercised the authority given to him by the City Manager and City Commission, and had structural plans and specifications prepared to address the scope of work that was necessary to obtain price quotes from contractors that specialized in impact resistant window and door systems; and

WHEREAS, the Property Management Director submitted the plans and specifications to the City's Historic Preservation Division and the Building Department for the approvals required to obtain a building permit for the Project; and

WHEREAS, after the plans and specifications were completed and all regulatory approvals were obtained, a Request for Quotations NO. VA-QT09-005 was developed, and three (3) commercial glazing contractors that specialized in impact resistant windows and door systems were contacted to provide quotes for the Project, which resulted in three (3) responsive quotes; and

WHEREAS, after reviewing the quotes and insurance requirements, the Property Management Director determined that Last Chance Glass, Inc., provided the lowest responsive responsible quote for the Project; and

WHEREAS, a contract was issued to Last Chance Glass, Inc., in the total amount of \$143,500, for the replacement of the windows, doors, and frames at the South Shore Community Center, with impact resistant windows, doors, and frames; and

WHEREAS, as required by Resolution No.2001-24677, the Administration hereby requests that the Mayor and City Commission ratify the aforesated contract, as is deemed necessary to complete the work on the replacement of the windows, doors, and frames at the South Shore Community Center.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby ratify a contract to Last Chance Glass, Inc., in the total amount of \$143,500, for the replacement of the windows, doors, and frames at the South Shore Community Center, with impact resistant windows, doors, and frames.


PASSED and ADOPTED THIS _____ **day of** _____ **2006.**

ATTEST:

CITY CLERK

MAYOR

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

2-24-06

Date

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Condensed Title:

A Resolution of the Mayor and City Commission ratifying a contract to Luis E. Roca Inc., in the total amount of \$68,055 , to provide for the structural floor replacement at Fire Station #3.

Key Intended Outcome Supported:

Well Maintained Facilities

Issue:

Shall the Commission ratify a contract to Luis E. Roca?

Item Summary/Recommendation:

In accordance with Resolution No. 2005-25857 adopted by the City Commission on April 20th, 2005 the Property Management Director, is providing General Contracting services including bidding, the award of contracts for work, and change orders necessary for the replacement of the structural floor at Fire Station #3. Under the provisions of the Resolution, contracts and purchases exceeding \$25,000 must be brought back to the City Commission for Ratification. After structural plans and specifications were prepared to meet the needs of the Project, seven (7) contractors that specialized in concrete placement and drainage issues were contacted to provide bids on the project resulting in two responsive bids. After reviewing the bids and references, the Property Management Director determined that Luis E. Roca Inc. was the lowest responsive responsible bidder for the scope of work required and issued a contract that was reviewed by the Legal Department and executed by the Mayor and City Clerk for the execution of the work.

Adopt the Resolution.

Advisory Board Recommendation:

N/A


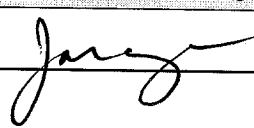
Financial Information:

Source of Funds:	Amount		Account	Approved
	1	\$ 68,055	125.6330.000676	
	2			
	3			
	4			
	Total	\$ 68,055		

Financial Impact Summary:**City Clerk's Office Legislative Tracking:**

Brad A. Judd; Property Management Director

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND MEMBERS OF THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RATIFYING A CONTRACT IN THE TOTAL AMOUNT OF \$68,055 TO LUIS E. ROCA INC., TO PROVIDE FOR THE REPLACEMENT OF THE STRUCTURAL FLOOR AT FIRE STATION NO. 3.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Because of severe cracking and deterioration of the equipment bay floors at Fire Station #3 due to the increased weight of modern fire trucks and the code requirements that floors of this type need structural design and a drainage system with a grease trap, there was a need to include the complete replacement of the structural floor in the development of the FY 04/05 Capital Renewal and Replacement Projects funding needs. This was necessary for the inclusion of the project in the FY 04/05 Capital Renewal and Replacement projects budget that was approved by the Mayor and City Commission at the March 5th, 2005, Commission meeting.

The Mayor and City Commission, at the April 20, 2005 Commission meeting, adopted Resolution No. 2005-25857, which authorized the Property Management Director to serve as the Certified General Contractor for all of the FY 04/05 Capital Renewal and Replacement projects. The Property Management Director exercised the authority given to him by the City Manager and City Commission, and developed scope of work specifications for the project and prepared a Request for Quotations #VA-QT08-OO5 that was required to provide a method to obtain competitive bids for the work.

Seven (7) contractors that specialized in concrete placement and drainage systems were contacted to provide bids on the project resulting in two responsive bids. After reviewing the bids and after checking background references, licensing, and insurance requirements, the Property Management Director determined that Luis E. Roca Inc. provided the lowest responsive responsible bid for the Project.

After review by the Legal Department and execution by the Mayor and City Clerk, a contract was issued to Luis E. Roca Inc., in the amount of \$63,680 for the work. In addition to the base contract, an additional \$4,375 in change orders were approved to facilitate additional requests of the Fire Department for hose bibs inside the truck bays and to replace existing plumbing lines that were found to be deteriorated under the existing floor slab. The additional change orders brought the total amount of the contract to \$68,055 for the replacement of the structural floor and drainage system at Fire Station #3.

CONCLUSION

The Administration recommends that the Mayor and Members of the City Commission ratify the Property Management Director's contract to Luis E. Roca Inc., in the total amount of \$68,055 to provide for the replacement of the structural floor and drainage system at Fire Station #3.

JMG/RCM/FHB/BAJ

T:\AGENDA\2006\mar0806\Regular\Ratify Fire#3 Structural Floor MEMO.doc

**CITY OF MIAMI BEACH PROPERTY MANAGEMENT DIVISION
GROUND FLOOR SLAB RENOVATION AT FIRE STATION #3
QUOTATION VA-QT 08-005
TABULATION SHEET**

DESCRIPTION	Luis E. Roca Inc.	MLC Construction Corp.	C.G. Chase Construction Management Inc.	Marina Plumbing Service Corp.
Ground floor slab renovation	\$41,800.00	\$47,250.00	\$61,336.00	not included
Plumbing work.	\$21,880.00	not included	\$30,800.00	\$19,585.00
Total	\$63,680.00	\$47,250.00	\$92,136.00	\$19,585.00

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF MIAMI BEACH, FLORIDA, RATIFYING A
CONTRACT, IN THE TOTAL AMOUNT OF \$68,055, TO LUIS E.
ROCA, INC., TO PROVIDE FOR THE REPLACEMENT OF THE
STRUCTURAL FLOOR AT FIRE STATION NO. 3.**

WHEREAS, because of severe cracking and deterioration of the equipment bay floors at Fire Station No. 3, due to the increased weight of modern fire trucks and the code requirements that floors of this type require structural design and a drainage system with a grease trap, there was a need to include the complete replacement of the structural floor in the development of the Fiscal Year (FY) 04/05 Capital Renewal and Replacement Projects funding request (the Project); and

WHEREAS, the Project correction needs were identified and included as part of the development of the funding requirements for inclusion in the FY 04/05 Capital Renewal and Replacement Projects budget; and

WHEREAS, the Mayor and City Commission, at its April 20, 2005 meeting, adopted Resolution No. 2005-25857, which authorized the Property Management Director to serve as the certified general contractor for the FY 04/05 Capital Renewal and Replacement Projects, which included the replacement of the structural floor at Fire Station No. 3; and

WHEREAS, the Property Management Director exercised the authority given to him by the City Manager and City Commission, and had structural plans and specifications prepared to address the scope of work that was necessary to obtain price quotes from contractors that specialize in concrete placement and drainage work; and

WHEREAS, after the plans and specifications were completed, a Request for Quotations No. VA-QT08-005 was developed and seven (7) contractors that specialized in concrete placement and drainage systems were contacted to provide quotes for the Project, which resulted in two (2) responsive quotes; and

WHEREAS, after reviewing the quotes and insurance requirements, the Property Management Director determined that Luis E. Roca, Inc. provided the lowest responsive responsible quote for the Project; and

WHEREAS, a contract was issued to Luis E. Roca, Inc., in the total amount of \$68,055 for the replacement of the structural floor at Fire Station No. 3; and

WHEREAS, as required by Resolution No.2005-25857, the Administration hereby requests that the Mayor and City Commission ratify the aforesated contract, as is deemed

necessary to complete the work on the replacement of the structural floor at Fire Station No. 3.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby ratify a contract, to Luis E. Roca, Inc., in the total amount of \$68,055, for the replacement of the structural floor at Fire Station No. 3.

PASSED and ADOPTED THIS _____ **day of** _____ **2006.**

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

M. H. O. [Signature] 3-2-06
City Attorney Date

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Condensed Title:

A Resolution of the Mayor and City Commission ratifying a contract to Marina Plumbing Service Corporation, in the total amount of \$28,101, to provide for the replacement of domestic water lines in Fire Station #1.

Key Intended Outcome Supported:

Well Maintained Facilities

Issue:

Shall the Commission ratify a contract to Marina Plumbing Service Corporation?

Item Summary/Recommendation:

In accordance with Resolution No. 2005-25857 adopted by the City Commission on April 20th, 2005 the Property Management Director, is providing General Contracting services including bidding, the award of contracts for work, and change orders necessary for the replacement of domestic water lines in Fire Station #1. Under the provisions of the Resolution, contracts and purchases exceeding \$25,000 must be brought back to the City Commission for Ratification. After base plans and specifications were prepared to meet the needs of the Project, ten plumbing contractors were contacted to provide bids on the project resulting in two responsive bids. After reviewing the bids and references, the Property Management Director determined that Marina Plumbing Services Corporation was the lowest responsive responsible bidder for the scope of work required and issued a contract that was reviewed by the Legal Department and executed by the Mayor and City Clerk for the execution of the work.

Adopt the Resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1	\$ 28,101	125.6337.069358	
2			
3			
4			
Total	\$28,101		

Financial Impact Summary:**City Clerk's Office Legislative Tracking:**

Brad A. Judd; Property Management Director

Sign-Offs:

Department Director	Assistant City Manager	City Manager
<i>FHS</i>	<i>AK</i>	<i>Judge</i>





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND MEMBERS OF THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RATIFYING A CONTRACT IN THE TOTAL AMOUNT OF \$28,101, TO MARINA PLUMBING SERVICES CORPORATION, TO PROVIDE FOR THE REPLACEMENT OF DOMESTIC WATER LINES AT FIRE STATION NO. 1.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Because of severe interior scaling and deterioration of the domestic water lines at Fire Station #1 there was a need to include the complete replacement of the domestic water lines in the development of the FY 04/05 Capital Renewal and Replacement Projects funding needs. This was necessary for the inclusion of the project in the FY 04/05 Capital Renewal and Replacement projects budget that was approved by the Mayor and City Commission at the March 5th, 2005, Commission meeting.

The Mayor and City Commission, at the April 20, 2005 Commission meeting, adopted Resolution No. 2005-25857, which authorized the Property Management Director to serve as the Certified General Contractor for all of the FY 04/05 Capital Renewal and Replacement projects. The Property Management Director exercised the authority given to him by the City Manager and City Commission, and developed scope of work specifications for the project and prepared a Request for Quotations #VA-QT03P-OO5 that was required to provide a method to obtain competitive bids for the work.

Ten plumbing contractors were contacted to provide bids for the Project that resulted in two responsive bids for the Project. After reviewing the bids and after checking background references, licensing, and insurance requirements, the Property Management Director determined that Marina Plumbing Services Corporation provided the lowest responsive responsible bid for the Project.

After review by the Legal Department and execution by the Mayor and City Clerk, a contract was issued to Marina Plumbing Services Corporation, in the total amount of \$28,101 to provide for the replacement of the domestic water lines in the Fire Station #1 building.

CONCLUSION

The Administration recommends that the Mayor and Members of the City Commission ratify the Property Management Director's contract to Marina Plumbing Services Corporation, in the total amount of \$28,101 to provide for the replacement of the domestic water lines in the Fire Station #1 building.

JMG/RCM/FHB/BAJ

T:\AGENDA\2006\mar0806\Regular\Ratify Fire#1 Water Lines MEMO.doc

**CITY OF MIAMI BEACH PROPERTY MANAGEMENT DIVISION
DOMESTIC WATER LINE REPLACEMENT PROJECT, FIRE STATION #1
QUOTATION VA-QT 03P-005
TABULATION SHEET**

DESCRIPTION	Marina Plumbing Service Corp.	Tasco Plumbing Mechanical Corp.
Domestic Water Line replacement project	\$20,849.69	\$95,000.00

Note:

A list of 10 plumbing companies were contacted for the pre-bid, of which 6 companies responded.
We received only two prices for the project.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RATIFYING A CONTRACT, IN THE TOTAL AMOUNT OF \$28,101, TO MARINA PLUMBING SERVICES CORPORATION, TO PROVIDE FOR THE REPLACEMENT OF THE DOMESTIC WATER LINES AT FIRE STATION NO. 1.

WHEREAS, because of severe scaling and deterioration of the domestic water lines in the Fire Station No. 1 building, correction needs were identified and included as part of the development of the funding requirements for inclusion in the FY 04/05 Capital Renewal and Replacement Projects budget (the Project); and

WHEREAS, the Mayor and City Commission, at its April 20, 2005 meeting, adopted Resolution No. 2005-25857, which authorized the Property Management Director to serve as the certified general contractor for the FY 04/05 Capital Renewal and Replacement Projects, which included the replacement of the domestic water lines in the Fire Station No. 1 building; and

WHEREAS, the Property Management Director exercised the authority given to him by the City Manager and City Commission, and had plans and specifications prepared to address the scope of work that was necessary to obtain price quotes from contractors that specialized in plumbing work; and

WHEREAS, after the plans and specifications were completed, a Request for Quotations No. VA-QT03P-005 was developed and ten (10) commercial plumbing contractors were contacted to provide quotes for the Project, which resulted in two (2) responsive quotes; and

WHEREAS, after reviewing the quotes and insurance requirements, the Property Management Director determined that Marina Plumbing Services Corporation, provided the lowest responsive responsible quote for the Project; and

WHEREAS, a contract was issued to Marina Plumbing Services Corporation, in the total amount of \$28,101, for the replacement of the domestic water lines in the Fire Station No. 1 building; and

WHEREAS, as required by Resolution No. 2005-25857, the Administration hereby requests that the Mayor and City Commission ratify the aforesated contract, as is deemed necessary to complete the work on the replacement of the domestic water lines in the Fire Station No. 1 building.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby ratify a contract, in the total amount of \$28,101, to Marina Plumbing Services Corporation, for the replacement of the domestic water lines at Fire Station No. 1.

PASSED and ADOPTED THIS _____ **day of** _____ **2006.**

ATTEST:

CITY CLERK

MAYOR

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

M. H. Dull 2-24-06
City Attorney **Date**

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Condensed Title:

A Resolution Ratifying a Contract to Widell, Inc. for the Emergency Repairs to the Venetian Causeway Water Main in the amount of \$195,000.

Key Intended Outcome Supported:

Ensure Well Maintained Infrastructure.

Issue:

Shall the Commission Ratify the Contract to Widell, Inc. for the repair of the 16" water main.

Item Summary/Recommendation:

During Hurricane Wilma two sail boats hit the 16" transmission water main on the south side of the bridges located between San Marco and San Marino Islands causing holes and structural damage to three sections of pipe, damage to the hangers and misalignment of the pipe. The 16" transmission water main had to be shut down causing the system to operate at half capacity.

In order to correct this reduction in capacity which created an emergency condition, the Public Works Department asked selected contractors to provide cost proposals to complete the emergency repairs. Public Works selected Widell's proposal at \$195,000 as the lowest proposal and added a contingency of \$14,000 for unforeseen conditions, for a total amount of \$209,000. There were no unforeseen conditions and the final cost was \$195,000.

The Administration recommends approving the Resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 80px; height: 50px; margin: 0 auto;"></div> OBPI	1	\$195,000.00	Public Works Account No. 425-9411-000343	
	2			
	3			
	4			
	Total	\$195,000.00		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL <u>[Signature]</u> FB <u>[Signature]</u>	RCM <u>[Signature]</u>	JMG <u>[Signature]</u>

T:\AGENDA\2006\mar0806\consent\Venetian Water Main SUMMARY.doc



MIAMI BEACH

AGENDA ITEM C7P
DATE 3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RATIFYING THE SELECTION OF WIDELL INC. FOR THE EMERGENCY REPAIRS TO THE VENETIAN CAUSEWAY WATER MAIN, IN THE AMOUNT OF \$195,000.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

\$195,000 Public Works Account 425-9411-000343

KEY INTENDED OUTCOME SUPPORTED

Ensure Well Maintained Infrastructure

ANALYSIS

A 30" transmission water main that delivers potable water to the City of Miami Beach via the Venetian Causeway, splits into two 16" ductile iron transmission mains. In order to clear the Bay those two 16" transmission mains are secured to bridge #874461 and bridge #874463 with hangers underneath the north side and the south side of the bridges. Those bridges are located between San Marco Island and San Marino Island.

During Hurricane Wilma two sail boats hit the 16" transmission water main on the south side of the above referenced bridges causing holes and structural damage to three sections of pipe, damage to the hangers and misalignment of the pipe. The 16" transmission water main had to be shut down causing the system to operate at half capacity.

In order to correct this reduction in capacity which created an emergency condition, the Public Works Department asked selected contractors to provide cost proposals to complete the emergency repairs. The scope of work included: replacement of damaged pipes, replacement of damaged hangers and bolts, realign the pipes, and restore the system to its original state so it performs as was designed to do.

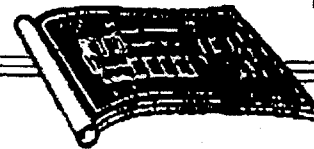
Also, sections of the transmission water-main that are secured with hangers to bridge #874481 located between Belle Isle and Purdy Avenue had some damaged hangers that had to be replaced and the misaligned pipes had to be re-aligned.

The Public Works Department obtained proposals from two different contractors, Ric-Man International, Inc. at \$557,520 and Widell, Inc. at \$195,000. Public Works selected Widell, Inc. as the lowest bidder and added a contingency of \$14,000 for unforeseen conditions, for a total amount of \$209,000. There were no unforeseen conditions encountered in the repair and the resulting bill was \$195,000.

CONCLUSION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida, adopt the attached resolution herein ratifying the contract to Widell, Inc. for the emergency repairs to the Venetian Causeway water main, in the amount of \$195,000.

State Certified

Sewage Treatment Works
Water Treatment Works
Substructure Construction*Engineering Construction*5365 STIRLING ROAD
FT. LAUDERDALE, FL 33314

December 13, 2005

Via Mail and Fax 305/673-7028City of Miami Beach
Public Works DepartmentAttn: Mr. Mike Alvarez
c/o Mr. Elie FakieRe: City of Miami Beach
Venetian Causeway Watermain
Repairs at the Bridge Crossings
Request for Proposal*HURRICANE
WILMA*

Dear Mr. Alvarez:

Pursuant to your Request for Proposal for repairs to the Venetian Causeway Watermain at the Bridge Crossings, we are pleased to provide the following proposal based on our interpretation of the work to be performed.

Venetian Causeway Watermain Repairs

1)	Bridge 874461: Replace and adjust two (2) pipes.....	\$49,000.00
2)	Bridge 874463: Replace one (1) pipe and adjust two (2) pipes.....	\$74,000.00
3)	Bridge 874481: Adjust three (3) locations of sag.....	\$72,000.00

The terms of the Proposal are as follows:

1. All DI pipe and fitting material necessary for repairs will be furnished by the City of Miami Beach, Public Works Department.
2. Work will be performed during normal work hours.
3. Work will begin after January 1, 2006 and will be completed by March 1, 2006
4. We have not included any finish painting and/or touchup painting of the existing piping. Our Subcontractor, Southland Painting Corp., can quote the painting upon request.
5. A detailed breakdown can be furnished upon request for billing purposes.
6. Widell, Inc. reserves our rights for additional time and associated compensation to complete the work once the full extent of the project is known.

If the Owner is interested in pursuing this Proposal, we request that you prepare a Purchase Order for the work.

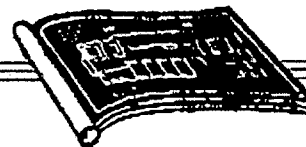
Very truly yours,

WIDELL, INC.

L. J. Beck
Vice President*Approved:*
Richard J. Beck
Assistant Public Works Director
City of Miami Beach

cc: File

/jlg:Lbro CMB re Venetian Cswy Proposal 05 1205



State Certified

Sewage Treatment Works
Water Treatment Works
Substructure Construction

Engineering Construction

5365 STIRLING ROAD
FT. LAUDERDALE, FL 33314

INVOICE

Via Facsimile 305-673-7028 & Mail

Bill To: City of Miami Beach
Publics Works Department
Attn: Mike Alvarez

Re: Venetian Causeway Watermain
Repairs at the Bridge Crossing

<u>DATE</u>	<u>JOB NAME</u>	<u>JOB NO.</u>	<u>INVOICE NO.</u>	<u>PAGE NO.</u>
02/27/06	Venetian Causeway Watermain Repairs at the Bridge Crossing	672	06-02	1 OF 1

(Hurricane Wilma)

Quantity	Description	Price	Total
1 Lot	<u>Venetian Causeway Watermain Repairs</u>		
1	Bridge 874461	\$ 49,000.00	\$ 49,000.00
1	Bridge 874463	\$ 74,000.00	\$ 74,000.00
1	Bridge 874481	\$ 72,000.00	\$ 72,000.00
	TOTAL		\$ 195,000.00
	Work Completed 01/24/06		

Approved:
Richard J. ...
Assistant Public Works Director
City of Miami Beach

Terms Net 30	Sub-Total \$195,000.00	Tax	Total Amount Due \$195,000.00
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cc: File, Field, Chrono, Accounting

RESOLUTION TO BE SUBMITTED

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Condensed Title:

Donation of Microchip Scanner to the Miami Beach Police Department.

Key Intended Outcome Supported:

Increase community satisfaction with City services.

Issue:

Shall the City Commission approve the Resolution to accept the donation of \$250 to purchase a universal microchip scanner for the Miami Beach Police Department?

Item Summary/Recommendation:

Randy Gumenic, a resident of Miami Beach has graciously offered to donate \$250 to the Miami Beach Police Department (MBPD) for the purchase of a universal scanner to scan lost or stolen animals with embedded microchips. Microchip technology as a means to track pet owners, has been in existence since the 1990's, and has led to the recovery of thousands of pets. Since this time, there has been a steady increase in the number of pet owners having the microchip implanted in their pets.

A handheld scanner is utilized to scan the animal for the microchip which is normally implanted under the skin between the shoulder blades. Each microchip has contact information that will link the animal to the registered owner when scanned. Often times, lost or stolen cats or dogs come to the attention Miami Beach police officers in the course of their public safety efforts. With access to the scanner by MBPD personnel, the reuniting of the animal with an implanted microchip and the owner will be expedited. The scanner will be kept secured at the Property and Evidence Unit which is staffed seven days a week, twenty-four hours a day. Depending on the circumstances, the animal could be brought to the MBPD headquarters building or arrangements made to bring the scanner to the location of the animal.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
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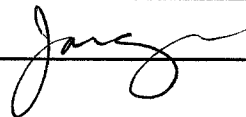
OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Michael Gruen, Planning and Research Manager

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMI BEACH

AGENDA ITEM C70
DATE 3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AUTHORIZING THE MAYOR AND THE CITY COMMISSION TO ACCEPT THE DONATION OF \$250 FROM RANDY GUMENIC, A MIAMI BEACH RESIDENT, FOR THE PURCHASE OF A UNIVERSAL MICROCHIP SCANNER TO THE MIAMI BEACH POLICE DEPARTMENT, WHICH WILL BE UTILIZED TO REUNITE LOST AND STOLEN PETS WITH THEIR OWNERS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Randy Gumenic a resident of Miami Beach has graciously offered to donate \$250 to the Miami Beach Police Department (MBPD) for the purchase of a universal scanner to scan lost or stolen animals which have embedded microchips. Microchip technology as a means to track pet owners has been in existence since the 1990's, and has led to the recovery of thousands of pets. Since this time, there has been a steady increase in the number of pet owners having the microchips implanted in their pets.

A handheld scanner is utilized to scan the animal for the microchip which is normally implanted under the skin between the shoulder blades. Each microchip has contact information that will link the animal to the registered owner when scanned. Often times, lost or stolen cats or dogs come to the attention of Miami Beach police officers in the course of their public safety efforts. With access to the scanner, the reuniting of the animal with an implanted microchip and the owner will be expedited. The scanner will be kept secured at the Property and Evidence Unit which is staffed 7 days a week 24 hours a day. Depending on the circumstances, the animal could be brought to the MBPD headquarters building or arrangements made to bring the scanner to the location of the animal.

DWD/PS/MG

T:\AGENDA\2006\mar0806\consent\Commission Memorandum Microchip Scanner.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AUTHORIZING THE MAYOR AND THE CITY CLERK TO ACCEPT THE DONATION OF \$250 FROM RANDY GUMENIC, A MIAMI BEACH RESIDENT, FOR THE PURCHASE OF A HANDHELD UNIVERSAL MICROCHIP SCANNER FOR THE MIAMI BEACH POLICE DEPARTMENT, WHICH WILL BE UTILIZED TO REUNITE LOST AND STOLEN PETS WITH THEIR OWNERS.

WHEREAS, in the course of their patrol duties Miami Beach Police Department Patrol Division personnel come in contact with lost or stolen cats and dogs;

WHEREAS, Mr. Randy Gumeric a resident of the City of Miami Beach wishes to donate \$250 for the Miami Beach Police Department to purchase a universal microchip scanner; and

WHEREAS, universal microchip scanners are used to scan a lost or stolen pet animal with an implanted microchip with contact information to link the animal with the owner; and

WHEREAS, microchip technology as a means to track pet owners, has been in existence since the 1990's, and there has been a steady increase in the number of pet owners who have had their pets implanted with microchips, which has led to the recovery of thousands of pets; and

WHEREAS, with access to the scanner, by MBPD personnel the reuniting of a pet animal with an implanted microchip and the owner will be expedited;

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the donation of \$250 from Randy Gumeric to the MBPD for the purchase of a universal microchip scanner is hereby accepted.

PASSED and ADOPTED this _____ day of _____, 2006

ATTEST:

CITY CLERK

MAYOR

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

W. H. Dublin 3-2-06

City Attorney Date
KC

Condensed Title:

Resolution setting a public hearing for April 11, 2006.

Key Intended Outcome Supported:

Increase resident satisfaction with availability of commercial service options.

Issue:

Should the Mayor and City Commission set the Public Hearing?

Item Summary/Recommendation:

The City and Manyprey, Inc. have negotiated and are proposing to enter into a 5 year lease, with an option to renew for an additional 4 years and 364 days, for the use of approximately 2080 square feet of vacant City-owned property, located at 22 Washington Avenue, for an outdoor café associated with a restaurant operation located at 816 Commerce Street, which is directly adjacent to and west of the subject property.

Salient terms and conditions outlined in attached Commission Memorandum.

The subject property is the remaining portion of a lot that had been previously acquired by the City for the expansion of a portion of Washington Avenue (between Commerce Street and South Pointe Drive) which has already been completed, and the subject parcel does not readily lend itself for public use at this time.

Section 82-39 of the Miami Beach City Code, governing the sale/lease of public property, provides that the lease of any City-owned property, for a period of more than one year, requires a public hearing.

The Administration recommends that the Mayor and City Commission set the public hearing for April 11, 2006,

Advisory Board Recommendation:

N/A

Financial Information:

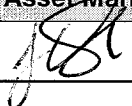
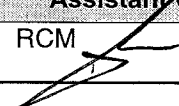
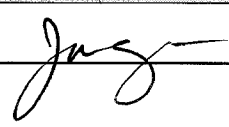
Source of Funds:		Amount	Account	Approved
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Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Robert Middaugh / Jose Damien

Sign-Offs:

Asset Manager	Assistant City Manager	City Manager
JD 	RCM 	

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MIAMI BEACH

 AGENDA ITEM C7R
 DATE 3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING ON APRIL 11, 2006, TO HEAR PUBLIC COMMENT REGARDING A LEASE AGREEMENT WITH THE MANYPREY, INC., FOR THE LEASE OF APPROXIMATELY 2080 SQUARE FEET OF CITY-OWNED PROPERTY LOCATED AT 22 WASHINGTON AVENUE, MIAMI BEACH, FLORIDA; SAID LEASE HAVING AN INITIAL TERM OF FIVE YEARS, WITH AN OPTION TO RENEW FOR FOUR YEARS AND 364 DAYS, AT THE CITY'S DISCRETION; FURTHER TO CONSIDER WAIVER, BY 5/7THS VOTE, OF THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS; AS REQUIRED BY SECTION 82-39 OF THE MIAMI BEACH CITY CODE**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The City of Miami Beach (City) and Manyprey, Inc. have negotiated and are proposing to enter into a five (5) year lease agreement, with an option to renew for an additional four (4) years and three hundred sixty four (364) days, with the renewal option being at the City's sole discretion, for the use of approximately 2080 square feet of vacant City-owned property located at 22 Washington Avenue (the Property) as an outdoor café associated with a restaurant operation located at 816 Commerce Street, which is directly adjacent to and west of the subject property.

The subject Property (see attached site plan) is the remaining portion of a lot that had been previously acquired by the City for the expansion of a portion of Washington Avenue (between Commerce Street and South Pointe Drive) which has already been completed. The Administration deems that the Property does not readily lend itself for public use at this time.

The proposed Lease Agreement, as being negotiated, will include terms and conditions substantially in accordance with the salient points outlined below:

- FEE: During the initial five year term, Manyprey, Inc. has agreed to compensate the City as follows:
 - 1st and 2nd* Year: The greater of a minimum guaranteed amount of \$52,000 (approximately equal to \$25.00 per square foot) or five percent (5%) of its annual gross receipts.
 - 3rd and 4th* Year: The greater of a minimum guaranteed amount of

\$62,400 (approximately equal to \$30.00 per square foot) or five percent (5%) of its annual gross receipts.

- 5th Year: The greater of a minimum guaranteed amount of \$83,200 (approximately equal to \$40.00 per square foot) or five percent (5%) of its annual gross receipts.

**The Minimum Guarantee for the 2nd Year and 4th Year shall be increased by three (3%) percent, or the Consumer Price Index, whichever is greater. A yearly "true-up" to reconcile the Minimum Guaranteed amounts with the actual "gross receipts" will be performed by a Certified Public Accountant (at Manyprey's sole cost and expense) at the end of each contract year and any amounts due above the Minimum Guaranteed will be due and payable to the City within 30 days of the end of each contract year.*

- **DEVELOPMENT:** Manyprey, at its sole cost and expense, will develop the Property into the aforementioned outdoor café, and demolish and remove any improvements at Lease termination (at the City's discretion).
- **ENTERTAINMENT:** No entertainment or music will be permitted except for low-level ambient music (appropriately shielded from the public-rights-of-way) and as further may be restricted by applicable law.
- **PERFORMANCE BOND:** Manyprey agrees to provide a performance bond, or other similar instrument (e.g. irrevocable letter of credit, surety bond, etc.) acceptable to the City, in an amount equal to the estimated costs to demolish and remove any improvements constructed on the property at the termination and/or expiration of the lease term.

Section 82-39 of the Miami Beach City Code, governing the sale/lease of public property, provides that the lease of any City-owned property, including option periods, requires the following:

- 1) a public bidding process;
- 2) Planning Department analysis;
- 3) an independent appraisal to determine the value of the leasehold interest; and
- 4) a public hearing to obtain citizen input.

Section 82-39 further provides for the waiver of the competitive bidding and appraisal requirements, by 5/7ths vote of the Mayor and City Commission, upon a finding by the Mayor and City Commission that the public interest would be served by waiving such conditions.

There is also a requirement that there be a minimum fifteen (15) day advertised notice advising of the public hearing. In order to enable the Mayor and City Commission to hold the public hearing in a timely manner, the Administration is recommending that the date for said public hearing be set at this time.

Based on the foregoing, the Administration recommends that the Mayor and City Commission set the public hearing for April 11, 2006, to consider the proposed Lease and proposed waiver of the competitive bidding and appraisal requirements.

JMG\RCM\JD\rir

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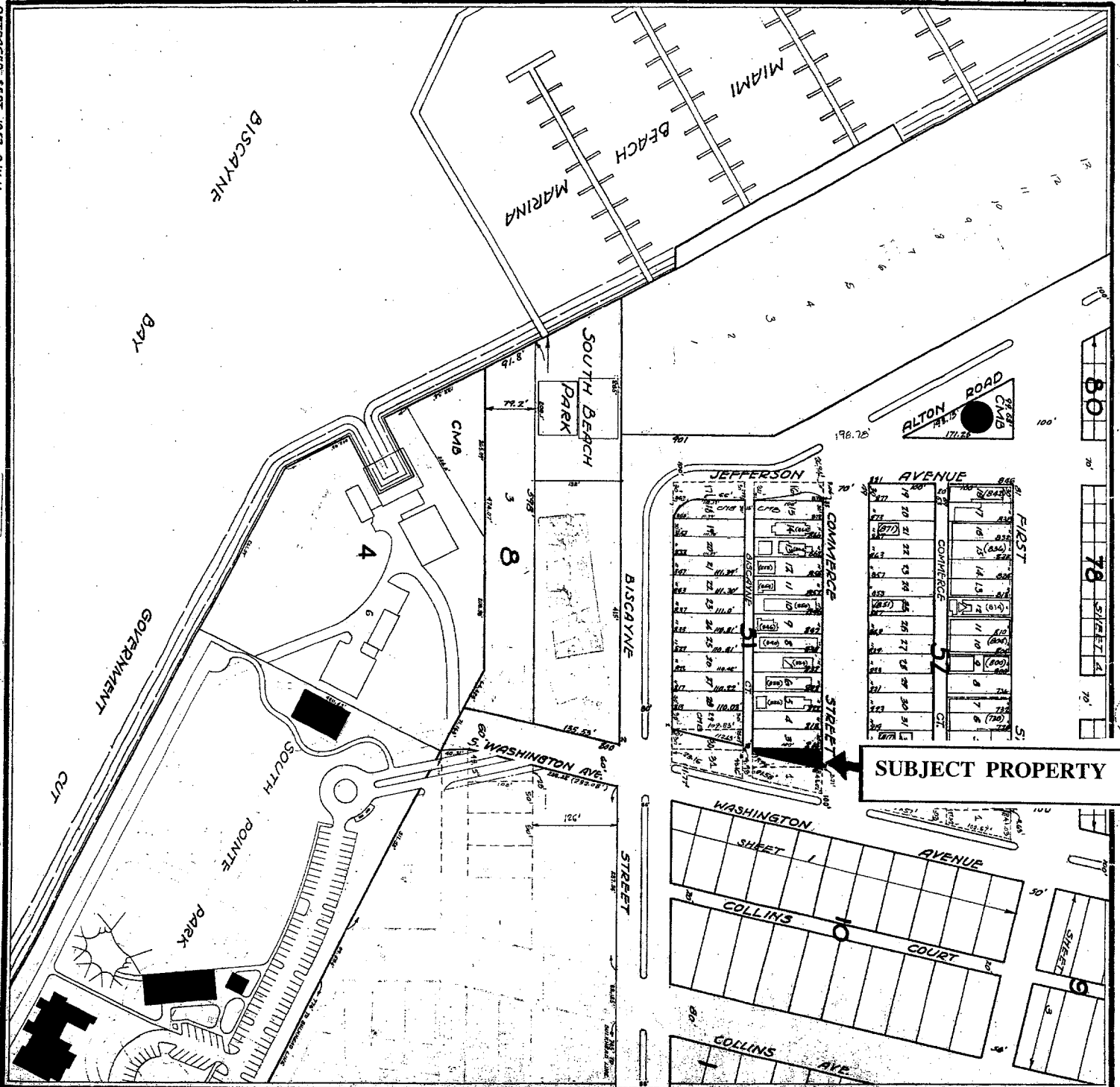
SOUTH BEACH PARK SUB. - Blk. 4 & 8 (6-77).

OCEAN BEACH ADDITION No. 3 - Blocks 51, 52, 79, 111 (2-81).

RECEIVED SEPT. 1952 R.W.H.
 DEPOSITED FEB. 1956 R.W.H.

5-2

Block 1180, 2006
 Block 714, 2006
 Block 1180, 2006



RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING ON APRIL 11, 2006, TO HEAR PUBLIC COMMENT REGARDING A LEASE AGREEMENT WITH MANYPREY, INC., FOR THE LEASE OF APPROXIMATELY 2080 SQUARE FEET OF CITY-OWNED PROPERTY LOCATED AT 22 WASHINGTON AVENUE, MIAMI BEACH, FLORIDA; FOR THE PURPOSE OF AN OUTDOOR CAFÉ ASSOCIATED WITH A RESTAURANT OPERATION LOCATED AT 816 COMMERCE STREET, WHICH IS DIRECTLY ADJACENT TO AND WEST OF THE SUBJECT CITY PROPERTY; SAID LEASE HAVING AN INITIAL TERM OF FIVE YEARS, WITH AN OPTION TO RENEW FOR FOUR YEARS AND 364 DAYS, AT THE CITY'S DISCRETION; FURTHER TO CONSIDER WAIVER, BY 5/7THS VOTE, OF THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS; AS REQUIRED BY SECTION 82-39 OF THE MIAMI BEACH CITY CODE

WHEREAS, the City and Manyprey, Inc. have negotiated and are proposing to enter into a five (5) year lease, with an option to renew for an additional four (4) years and three hundred sixty four (364) days, at the City's sole discretion, for the use of approximately 2080 square feet of vacant City-owned property located at 22 Washington Avenue (the Property) for an outdoor café associated with a restaurant operation located at 816 Commerce Street, which is directly adjacent to and west of the subject City property; and

WHEREAS, Section 82-39 of the Miami Beach City Code, governing the sale/lease of public property, requires a public bidding process, a Planning Department analysis, and an independent appraisal to determine the value of the leasehold interest; as well as a public hearing to obtain citizen input; and

WHEREAS, Section 82-39 further provides for the waiver of the competitive bidding and appraisal requirements, by 5/7ths vote of the Mayor and City Commission, for leases of City land, upon a finding by the Mayor and City Commission that the public interest would be served by waiving such conditions.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission of the City of Miami Beach, Florida, hereby set a public hearing on April 11, 2006, to hear public comment regarding a Lease Agreement for the lease of approximately 2080 square feet of the City-owned property located at 22 Washington Avenue, Miami Beach, Florida; for the purpose of an outdoor café associated with a restaurant operation located at 816 Commerce Street, which is directly adjacent to and west of the subject City property; said Lease having an initial term of five years, with an option to renew for four years and 364 days, at the City's discretion; further to consider waiver, by 5/7ths vote, of the competitive bidding and appraisal requirements, as required by Section 82-39 of the Miami Beach City Code.

PASSED and ADOPTED this _____ day of March 8, 2006.

ATTEST:

CITY CLERK

JMG\RCM\JD\rlr

MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Condensed Title:

A Resolution waiving formal competitive bidding requirements and authorizing the Property Management Director to award all contracts and change orders relative to air conditioning system replacements, roof replacement, and pressure cleaning, waterproofing, and painting requirements at the Miami City Ballet Building.

Key Intended Outcome Supported:

Well Maintained Facilities

Issue:

Shall the City waive competitive bidding requirements and authorize the Property Management Director to award all contracts and change orders relative to air conditioning system replacements, roof replacement, and pressure cleaning, waterproofing, and painting requirements at the Miami City Ballet Building?

Item Summary/Recommendation:

In order to expedite the completion of time-sensitive projects in the Miami City Ballet Building, the Administration recommends that the Mayor and City Commission adopt the Resolution allowing the Property Management Director to serve as the General Contractor of Record and further authorize the Property Management Director to select, negotiate, and award all contracts, agreements, purchase orders, and change orders for the purchase of all necessary goods and services (construction and professional) relative to air conditioning system replacements, roof replacement, and pressure cleaning, waterproofing, and painting requirements at the Miami City Ballet Building. The estimated total cost for these projects is \$740,000. Any contracts awarded in excess of \$25,000 by the Property Management Director will be brought to the City Commission for ratification.

The waiver of competitive bidding requirements is in the best interest of the City because:

- Expedited completion of critical capital renewal and replacement work
- Cost reduction of project material by direct purchase
- No General Contractor or subcontractor's overhead and profit
- Project scheduling flexibility
- Proven record of performance, time and budget

The Administration recommends approval of the Resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1	N/A		
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Total			

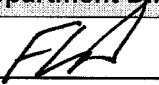

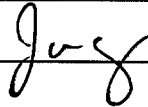
OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Brad A. Judd; Property Management Director

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		



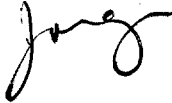
MIAMI BEACH

AGENDA ITEM C75
DATE 3-8-06



COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING, BY 5/7THS VOTE, THE FORMAL COMPETITIVE BIDDING REQUIREMENTS, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY, AND AUTHORIZING THE CITY MANAGER, THROUGH HIS DESIGNEE, WHO SHALL BE THE CITY'S PROPERTY MANAGEMENT DIRECTOR, A LICENSED GENERAL CONTRACTOR, TO SELECT, NEGOTIATE, AND AWARD ALL CONTRACTS, AGREEMENTS, PURCHASE ORDERS, AND CHANGE ORDERS FOR THE PURCHASE OF ALL NECESSARY GOODS AND CONSTRUCTION SERVICES RELATIVE TO THE REPLACEMENT OF AIR CONDITIONING SYSTEMS, ROOF REPLACEMENT, AND PRESSURE CLEANING, WATERPROOFING, AND PAINTING REQUIREMENTS OF THE MIAMI CITY BALLET BUILDING; PROVIDING THAT ALL DOCUMENTS BE REVIEWED BY THE APPROPRIATE MEMBERS OF THE ADMINISTRATION AND CITY ATTORNEY'S OFFICE, AND WHICH SHALL CONTAIN THOSE MINIMUM TERMS AND CONDITIONS AS SET FORTH IN THIS RESOLUTION; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL AGREEMENTS RELATIVE TO THE AFORESTATED PROJECTS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The work specified consists of all labor, machinery, tools, means of transportation, supplies, equipment, materials, and services necessary for the design, specifications development, construction documents, permitting, and construction work required for the completion of the projects.

Section 2-366 of the City Code, entitled *Contract Procedures*, states that *all supplies and equipment, except as otherwise provided in this division, when the estimated cost thereof shall exceed \$25,000.00, shall be purchased by formal, written contract and/or purchase order from the lowest and best responsible bidder, after due notice inviting proposals; however, the City Commission shall have authority to waive execution of formal contract in cases where it deems it advisable to do so. (emphasis added)*

Inasmuch as the City's Property Management Director has been approved as the General Contractor for these projects, at times there will be a need for the acquisition of goods and services that may exceed the \$25,000 bidding threshold. Therefore, as a result of the time needed to complete formal bid processes (i.e. 90-120 days) each time that Property Management Division has a need to augment its existing resources for goods and services in excess of \$25,000, these important projects will be placed on hold or delayed significantly. Pursuant to Section 2-367(e) of the City Code entitled *Rejection of bids; negotiation; waiver of competitive bidding*, the City Commission, upon written recommendation of the City Manager, may by resolution adopt by a five-sevenths vote of the City Commission a waiver of competitive bidding when the City Commission finds such waiver to be in the best interest of the City.

The following are reasons why the waiver of competitive bidding is in the best interest of the City:

- Expedited completion of critical capital renewal and replacement work.

The Miami City Ballet building has experienced repeated loss of air conditioning and the five rooftop air conditioning units must be replaced as soon as possible to prevent a potential catastrophic failure during the summer months. The roof replacement and the painting and waterproofing of the building were identified by the City's facilities condition assessment consultant as priority capital renewal and replacement items. By using the City's in-house General Contractor services, these projects can be accomplished much faster.

- Cost Reduction of Project Materials.

By utilizing in-house General Contractor services, the City will have the ability to purchase the majority of building materials needed for the project, directly from the manufacturer. External contractors would be required to purchase these materials from a supply house that would increase the costs of the purchase of supplies by adding stocking charges, plus overhead and profit on top of the manufacturer costs. This will provide a substantial saving to the City on material purchases for the project.

- Savings of General Contractor and Subcontractor's Overhead and Profit.

In outsourced projects, general contractors add a typical range of 15-20% on top of project cost for overhead expenses and profit. By using in-house services, this would be a direct cost savings to the City for these items. Additionally, as electrical, plumbing, HVAC, painting, and carpentry could also be provided under in-house services, limited sub-contractors would be required for the project. This would also provide savings to the City on overhead and profit costs that would also be required to be paid to the subcontractors.

- Project Scheduling to Accommodate Special Needs.

Under routine contractual agreements, the General Contractor provides a workflow schedule that is inflexible in accommodating unforeseen circumstances or required change of workflow without the requirement of a project change order or additional costs. In-house contracting will provide flexibility of schedules to work with unforeseen circumstances including special needs, without the need for change orders or extra costs for the project.

- Proven Track Record

Property Management has provided General Contracting services for the City on many past projects. These include the construction of the Electrowave facility on Terminal Island, the design and renovations of the Byron Carlyle Theater, The Lincoln Road Lighting and Fountain Enhancement project, the Pinetree Park GO Bond project, the Fire Station #2 Maintenance Facility GO Bond project, the renovation of the VCA and 555 Buildings, ADA compliance projects Citywide, and

multiple major renovations to the City Hall, 21 Street Community Center, and the Historic City Hall Building. Each of these projects was completed on or below the estimated budget for the projects.

CONCLUSION:

That the Mayor and City Commission adopt the attached Resolution which waives the competitive bidding requirements, finding such waiver to be in the best interest of the City, and authorizing the City Manager's designee, who shall be the Property Management Director, a Licensed General Contractor, to select, negotiate, and award all contracts, agreements, purchase orders, and change orders for the purchase of all necessary goods and services relative to air conditioning system replacements, roof replacement, and pressure cleaning, waterproofing, and painting requirements at the Miami City Ballet Building; providing that all documents be reviewed by the appropriate members of the Administration, City Attorney's Office, and contains minimum terms and conditions as set forth in this resolution; and further authorizing the Mayor and City Clerk to execute any and all agreements relative to the aforestated projects.

JMG:BCM:FHB:BAJ

Commission Items\March 8, 2006\Ratify GC approval Miami City Ballet Building MEMO.doc

RESOLUTION TO BE SUBMITTED

Condensed Title:

A Resolution waiving the competitive bidding process and approving a three year Sponsorship Agreement between the City of Miami Beach and Phillips-Van Heusen Corporation (IZOD).

Key Intended Outcome Supported:

Ensure expenditure trends are sustainable over the long term.

Issue:

Shall the City Commission approve a three year Sponsorship Agreement between the City of Miami Beach and Phillips-Van Heusen Corporation (IZOD)?

Item Summary/Recommendation:

In early 2002, representatives of Phillips-Van Heusen Corporation approached the City of Miami Beach to explore the opportunity to enter into a Sponsorship Agreement with the City for the provision of lifeguard uniforms through their subsidiary company, IZOD. Phillips-Van Heusen Corporation (PVH) had recently completed a Sponsorship Agreement for lifeguard clothing with the Los Angeles County Fire Department (Home department of the Los Angeles County Ocean Rescue) and wished to secure a visible east coast community for a similar sponsorship arrangement.

The Sponsorship Agreement between the City and PVH generally provides that in exchange for advertising and promotional considerations associated with the City of Miami Beach name, Phillips-Van Heusen will provide a variety of uniform items at no cost to the City of Miami Beach. The clothing items are patterned after those already provided to Los Angeles County for our Ocean Rescue personnel and Pool Guards. These items are provided to the City through the PVH subsidiary, IZOD. The items are a high quality sportswear product line referred to as PerformX. The Agreement also incorporates the provision of uniform items at no cost for the Fire Department and Miami Beach Golf Course staff. IZOD will also be the provider of these uniform items.

The Sponsorship Agreement with PVH (IZOD) is beneficial to the City by virtue of the supply of a number of high quality uniform items at no cost and the ability to purchase other items at lesser than market cost. The City will also benefit from a positive exposure in national advertising. Adequate review and approvals are retained to assure the proper use and promotion of the City's name and logo. PVH expected to benefit from the Agreement by virtue of improved sales from their promotions.

Approval of the Sponsorship Agreement is recommended.

Advisory Board Recommendation:

N/A

Financial Information:


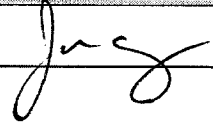
Source of Funds:	Amount	Account	Approved
1			
2			
OBPI			
Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Robert C. Middaugh

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMIBEACH

AGENDA ITEM C7T
DATE 3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING BY 5/7TH VOTE, THE COMPETITIVE BIDDING PROCESS, FINDING SUCH WAIVER TO BE IN THE CITY'S BEST INTEREST, AND APPROVING A THREE YEAR SPONSORSHIP AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND PHILLIPS-VAN HEUSEN CORPORATION (IZOD).**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

In early 2002, representatives of Phillips-Van Heusen Corporation approached the City of Miami Beach to explore the opportunity to enter into a Sponsorship Agreement with the City for the provision of lifeguard uniforms through their subsidiary company, IZOD. Phillips-Van Heusen Corporation (PVH) had recently completed a Sponsorship Agreement for lifeguard clothing with the Los Angeles County Fire Department (Home department of the Los Angeles County Ocean Rescue) and wished to secure a visible east coast community for a similar sponsorship arrangement.

In order to determine the interest in a Sponsorship Agreement and to determine the philosophic compatibility, a meeting with senior City staff, as well as the President and Vice President and Marketing Director of PVH took place.

This early meeting between the City and PVH was essentially an interview process in which each of the parties discussed their respective missions, ethical philosophy and the image that each wished to portray. As a result of this meeting it was determined that PVH and the City of Miami Beach had the opportunity for a compatible relationship in a Sponsorship Agreement and that there was not any conflict or ethical issues associated with such an Agreement. The image each entity wished to portray was one of a healthy, wholesome and upbeat identity.

In fairly short order, City and PVH representatives worked out the key terms of a Sponsorship Agreement. The initial focus and key issue was the provision of an extensive set of uniforms for the Ocean Rescue Division of the City of Miami Beach. With the passage of time, the agreement has changed slightly and has been enhanced to the version presented for Commission action. One change that needed to be addressed was the movement of Ocean Rescue from the Parks Department into the Fire Department.

An important part of the Agreement conversations involved CWA, which is the Union which represents the lifeguards. The Labor Agreement with the lifeguards had specific provisions relative to the number of uniform items and nature of those items to be provided by the City. As the City proposal would significantly expand the number of uniform items provided, an increase from six items to twenty-four items, it also changed the material from which the items are made. The Union approval of the uniform items and materials was solicited. Unfortunately, this issue was caught up in the larger impasse on the Labor Agreement between CWA and the City.

Conversation with PVH continued over the years to assure them of continued interest in an Agreement upon the resolution of the issues with the lifeguard union. The PVH representatives were both very understanding and patient over this extended time period. With the recent Commission and CWA approval of contract language relative to uniforms, it is now possible for the City to proceed with the Sponsorship Agreement and present such Agreement for City Commission approval.

The determination to enter into a Sponsorship Agreement with PVH Corporation started with the compatibility of mission, ethical practices and image, and advanced because of mutual benefit to the City and PVH. PVH Corporation is a large multi-national corporation that is one of the largest clothing manufacturers in the world. PVH sees benefit in an association with Miami Beach, while the City would receive quality employee uniforms, a potential revenue stream and positive national advertising exposure. The PVH Annual Corporate Report is attached which indicates the scope of the PVH business.

Agreement Terms

The Sponsorship Agreement between the City and PVH generally provides that in exchange for advertising and promotional considerations associated with the City of Miami Beach Ocean Rescue name, Phillips-Van Heusen will provide a variety of uniform items at no cost to the City of Miami Beach. The clothing items are patterned after those already provided to Los Angeles County for our Ocean Rescue personnel and Pool Guards. These items are provided to the City through the PVH subsidiary, IZOD. The items are a high quality sportswear product line referred to as PerformX. The Agreement also incorporates the provision of uniform items at no cost for the Fire Department and Miami Beach Golf Club staff. IZOD will also be the provider of these uniform items. Specific provisions of the Sponsorship Agreement are as follows:

- Term – The Agreement is for an initial term of three (3) years renewable upon mutual agreement of the parties for two additional three (3) year terms.
- Donated Uniforms – The City will receive uniforms for the Ocean Rescue and Pool Lifeguards, the Fire Department and Miami Beach Golf Club employees as follows:

Ocean Rescue and Pool Guards –135 sets of uniforms each set consisting of:

Polo Shirt	2
Combination of long and short sleeve T-shirts	6
Warm-up Jacket	1
Warm-up Pant	1
Combination of Water or Board Shorts (individual choice)	6
Fleece line (mid-weight) Jacket	1
Fleece Pullover with zipper	1
Competition Swim Suit (male or female)	3
Hat (Baseball or floppy)	3
TOTAL PIECES PER SET	24

In the first of each three (3) year Agreement, 100 fleece lined wind and water resistant jackets are to be provided.

Fire Department – 200 sets of uniforms as follows:

Polo Shirts	4
Cargo Style Pant	<u>4</u>
TOTAL PIECES PER SET	8

Miami Beach Golf Club Employees– 35 sets of uniforms as follows:

Polo Shirt	5
Cargo Style Pant or Short	5
Golf Windbreaker Jacket	<u>1</u>
TOTAL PIECES PER SET	11

Each of the uniform sets defined above for the Ocean Rescue Lifeguards and Pool Guards, the Fire Department and the Golf Course employees are issued in the above amount annually.

- The retail value of the various uniform items is estimated at \$240,000.00. As many of these items are new uniform pieces, this is not a direct savings to the City.
- At the beginning of each three (3) year contract term Phillips-Van Heusen will provide to the City of Miami Beach \$15,000.00 to be applied to a new replacement Lifeguard Tower at the City's discretion and an agreed upon location.
- The City has the right to purchase uniform items for any other City employee at 8% over the cost of Phillips-Van Heusen to produce the specific clothing item. The City also reserves a right to buy an unlimited quantity of clothing items for resale to the general public at Phillips-Van Heusen's production cost plus 20%.

The pricing advantage to the City in this Agreement provision is that typically a clothing item is marked up by a manufacturer 40% to 50%. If the City elects to purchase uniform items from IZOD for other departments there should be a cost saving or quality enhancement available for the City. In the event the City determines to buy and resell clothing items there should be a small revenue stream available to the City for this purpose.

- In consideration of the items available to the City, Phillips-Van Heusen (IZOD) receives the right to:
 - Promote and advertise itself as the official outfitter of the Ocean Rescue Division of the City of Miami Beach. Have the IZOD Corporate Logo displayed on all donated uniform items as agreed upon by the City in design of those items. The ability to use the lifeguard logo in the sale of or promotion of items to the general public. The right to publicize the Sponsorship arrangement with prior review and approval reserved for the City.
 - The right to apply for (4) four Special Events Permits in which they are the principal sponsor, waiving the City's \$2,500.00 application fee. All other

costs associated with the event are the responsibility of the sponsor as with any other Special Event.

- Twenty rounds of golf at the Miami Beach Golf Club or other City owned and operated golf course.

CONCLUSION

The Sponsorship Agreement with PVH (IZOD) is beneficial to the City by virtue of the supply of a number of high quality uniform items at no cost and the ability to purchase other items at lesser than market cost. The City will also benefit from a positive exposure in national advertising. Adequate review and approvals are retained to assure the proper use and promotion of the City's name and logo. PVH expected to benefit from the Agreement by virtue of improved sales from their promotions.

The business points of the Agreement have been negotiated and are represented in the attached Agreement. Some edits to clarify points without changing the substance are still anticipated. It is recommended that the Agreement be approved in substantially the form attached subject to final review and approval of the City Attorney's office.

JMG\RCM\sam

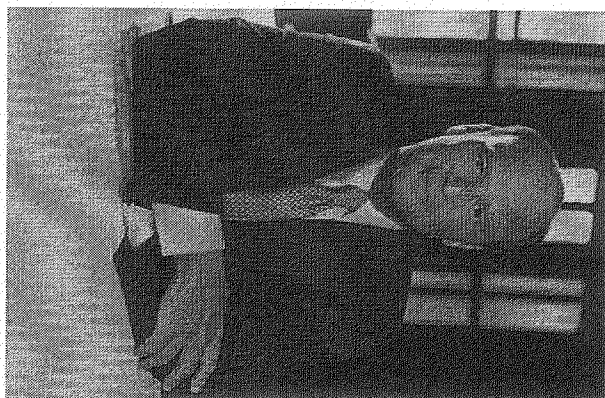
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Attachments

LETTER TO SHAREHOLDERS

To Our Fellow Shareholders:

As we gathered our thoughts to write this year's shareholder letter, we were struck more than ever by the great heritage and potential of the organization that we are privileged to lead. It is an institution with a wonderful and powerful corporate culture that affords great opportunity to its employees, provides its customers with quality products, supplies stellar brands to its retail partners and shares the value it creates with a strong and supportive investor base. As we survey our company's performance and prospects for the future, we are very proud of what we have done in recent years to stabilize, refocus, revitalize and grow our company.



Bruce J. Klatsky
Chairman and Chief Executive Officer

2004: A Year Of Progress

Throughout 2004, we were especially glad to see our legacy businesses – the three core components of our business before the Calvin Klein acquisition – doing so well.

Our Dress Shirt Group, for example, remains the clear market leader. In 2004, we enhanced our status as the world's largest dress shirt company, culminating in our second consecutive year in which we achieved record profitability in this business. At the same time, the Sportswear Group fulfilled its promise of serving as a significant contributor to our growth. Our Retail Group is successfully turning a corner. Rationalized in size and structure, it is now an important complement to our branded marketing efforts.

Even as these core components of PVH thrived in recent years, we have seen the Calvin Klein acquisition materially transform our company. As we expand the products available under this outstanding brand, it became obvious that it may offer even more growth opportunity than we had originally believed. It has literally changed the financial model of our company, with its substantial royalty stream improving our operating margins.

As we posted these strong performances from our various divisions, a less visible change has taken place behind the scenes in the realm of infrastructure. Our distribution, information technology, human resources, sourcing and financial capabilities have grown significantly, producing support resources and capacity that will afford us the opportunity to add businesses and product extensions in the years ahead, both within our existing brands and through acquisitions.

Most importantly, we have done all this while staying true to our core values of involvement in the community, diversity, associate development and fairness in the workplace. All our divisions have demonstrated a commitment to making a positive difference wherever they operate.



Mark Weber
President and Chief Operating Officer

Dress Shirts: Leadership

For a business that is supposed to be “slow growth,” we saw a good deal of activity, as we posted another record year in 2004 in our Dress Shirt Group. We maintained our leadership, with Van Heusen again the number one brand in America and Geoffrey Beene again the number one designer brand. The year was highlighted by several major brand launches: BCBG Max Azria, BCBG Attitude, CHAPS, MICHAEL Michael Kors and Sean John. The introductions not only contributed to profitability in the year just closed, they offer substantial additional opportunity for the future.

Sportswear: Innovation

The Sportswear Group exceeded our expectations in 2004, as the IZOD brand continued to garner more retail square footage. Today, IZOD is presented as a related separates concept in most department store groups. Pants, jeanswear and golf apparel provided the fuel to drive this growth.

On the main floor of department stores, Van Heusen sportswear has become a true cornerstone. At the same time, ARROW has continued to exceed plan and provides us with a considerable presence in the mid-tier channel.

Of extraordinary consequence was the success our sportswear team had with the launch of Calvin Klein men's better sportswear in the department store channel. Their execution and results exceeded our expectations.

Calvin Klein: Preeminence

At Calvin Klein, brand performance continues to exceed expectations. Historic partnerships in such areas as fragrance, jeans and underwear concluded a wonderfully successful year. Increased brand presence was a major highlight, as the men's and women's better sportswear launches had their effect, benefiting the profile and prestige of all Calvin Klein products.

Three notable initiatives that began in 2003 bore fruit in 2004. First, the addition of eleven freestanding ck Calvin Klein “bridge” sportswear stores in southeast Asia performed very well. Restructuring of the Calvin Klein operation in Japan by our partner Onward Kashiwama resulted in a much stronger jeans and sportswear presence. The re-launch of Calvin Klein Jeans in Europe with our partners, the Fratini Group, met with great success. The new partnerships we forged in 2004 for the U.S. – for men's and women's shoes, accessories and bridge sportswear – should start to benefit us as 2005 draws to a close and in 2006.

Strategic Initiatives: Fundamentals

While not large in terms of purchase price (\$70 million), the acquisition of the ARROW brand had great significance for those of us with some tenure at the company. Over the years, ARROW has been a great brand with a long, well-established history in the apparel industry. We had achieved great success under our license agreement marketing dress shirts and sportswear in the United States and the ARROW brand performed beyond

expectations. As a result, we became convinced of its global strength and the desirability of controlling its marketing worldwide. With the ARROW brand acquisition, we have the opportunity to build the business and global royalties associated with it, increasing market share and deriving profits from it for years to come.

Our historic retail businesses (Van Heusen, Boss, IZOD, and Geoffrey Beene) continued their evolution into an important complement to our branded marketing efforts. The Retail Group exited aging, unproductive outlet centers, and delivered their revenue and profit plan for the year. Importantly, our plan to open Calvin Klein stores in premier outlet centers is being executed and meeting with strong success.

Our various logistics groups continued to enhance their productivity and capabilities, affording us a platform to increase the efficiency with which we deliver our product to consumers, while at the same time providing us with an infrastructure that will enable us to pursue acquisitions of consequence.

The Financial Group did an outstanding job in many areas. It successfully refinanced \$150 million of debt, reducing the interest rate from 9 1/2 to 7 1/8 percent, and also renegotiated our \$325 million credit agreement, increasing our flexibility, reducing borrowing costs and extending its maturity to December 2009. It also performed well in leading our company to address the requirements of the new Sabones-Oxley regulations with its rigorous, new procedures and formalities that affect every U.S. public company.

Corporate Principles: Commitment

Finally, we continued to follow our guiding principle of maintaining our focus on being a positive force in society. Internally, we concentrated on improving our training capabilities, in one case partnering with the state of New Jersey to further develop and enhance the skills of our associates at our administrative center in Bridgewater. We boosted our internal communications systems, facilitating outreach to all associates via a new Intranet site called "The Thread." We acted upon our longstanding commitment to a diverse workforce by continuing our relationship with the Inroads Intern program and by forming a new partnership with the Black Retail Action Group. Both are designed to broaden the pool of candidates available to us as we work to enhance our workforce.

Management is not alone in living up to the principles we espouse. The enthusiasm of our associates continues to impress us at every turn. We rely on our employees to identify opportunities to serve our communities. Some of the most notable activities included our involvement with Safe Horizon, which works to reduce and prevent domestic violence; Orphan Foundation of America; and the Special Olympics. Our associates were also the foundation of the work we did with community food kitchens; they were behind our Adopt-a-Soldier program; and they led the way in our tsunami relief efforts.

In today's global economy, we in the apparel industry find ourselves active in production and sourcing around the world. Of course, the necessity for such a global presence is not

unique to our industry. Indeed, it is common in many labor-intensive fields and can be a major force for good in developing economies. At PVH, we believe that with our involvement in overseas manufacturing comes a responsibility to ensure that all our products are produced in safe and healthful work environments, with respect and fairness to all workers. We are proud to be a charter member of the Fair Labor Association, underscoring our absolute commitment to monitoring the

conditions in which our products are manufactured and to ensure that workplace abuses are remedied when abuses occur.

Under our Critical Engagement and Impact Program (CEIP), aggressive monitoring of all facilities is combined with engagement, education and remediation. We feel strongly that the jobs we create represent an important economic resource. In our view, simply pulling out when abuses are encountered is unfair to those who could benefit the most from correcting the situation, the workers. In the CEIP approach, we discuss problems with factory management, educate them as to why corrections are necessary and assist in remediation within the context of local culture. The result – for the company, local management and the community – is a win-win.

Future Prospects: Opportunity

The last few years – 2004 included – have been tremendously productive. And while we are satisfied with the growing levels of profitability achieved, we are even more excited by prospects for the future. We are well positioned for growth, with the

resources and capabilities for further expansion largely in place. That we find ourselves in this position is a testament to the hard work and energy of our associates, to the guidance and counsel of our board of directors, to the support of our retail partners and to the inherent strength of our company. We appreciate the confidence that our many stakeholders have expressed in our stewardship and are committed to continue moving our company forward in 2005 and beyond.



Bruce Klatsky
Chairman and Chief Executive Officer



Mark Weber
President and Chief Operating Officer

A MESSAGE FROM BRUCE KLATSKY

Almost 34 years ago, as a confused refugee from law school, I took a job here at PVH. I was at the bottom of the ladder, but came with powerful pals — a first boss who was a master motivator and a corporate culture that offered opportunity. A succession of enthusiastic and knowledgeable supervisors followed, serving as mentors as I worked my way through the ranks. Eventually, I came to have the great privilege of leading this company and its employees through an exciting period of renewal and expansion.

In expressing my appreciation for the privilege of running this company, there are many to thank. There is no single visionary here. I have been but a good steward of an institution with a long history and an even longer future. PVH is an extraordinary group of people, thousands strong, from communities all over the world, each contributing to what has become an extraordinary enterprise. My gratitude to each of them is boundless. Importantly, I would like to thank and acknowledge our board members who brought invaluable perspective to the decision-making process, our many great retailers who opened their shelves to our goods and their minds to our ideas, and our patient and loyal investors who believed in our vision and trusted in our abilities.

Our business strategy is sound and enduring. It is being executed with a focus on profitability, but also with an understanding that financial success without integrity and socially responsible behavior is hollow and short-lived. The corporation's role in society is critical to the well-being of mankind. These principles are critical parts of our heritage and legacy.

Finally, and importantly, I am incredibly proud of our succession plan. Mark Weber and I have spent 33 years as a team. Manny Cunnico joined that team more than a decade ago. In these two executives, our company has proven and experienced leaders who will lead us to even greater success.

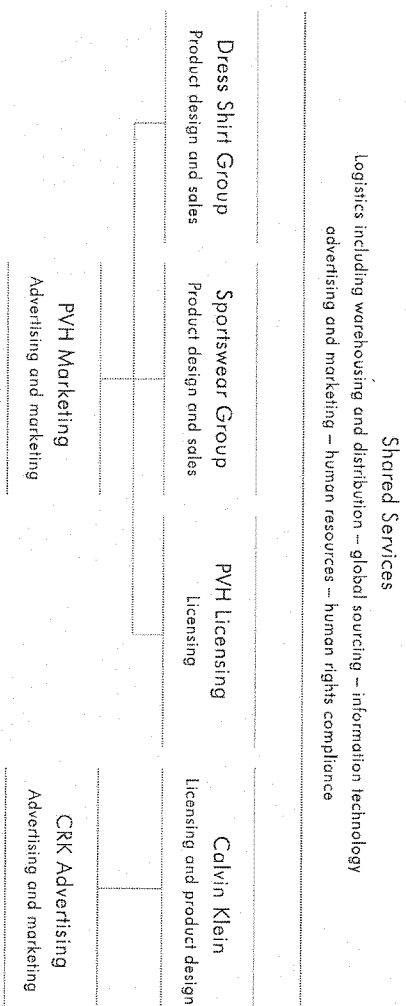
I am confident that the best is yet to come for PVH. I look forward to watching our company and its thousands of associates across the globe reach even greater heights.

CORPORATE STRATEGY

At PVH, we design, source and market substantially all of our products on a brand-by-brand basis targeting distinct consumer demographics and lifestyles. We market our brands at multiple price points and across multiple channels of distribution. This allows us to provide products to a broad range of consumers, while minimizing competition among our brands and reducing our reliance on any one demographic group, merchandise preference or distribution channel. Currently, our apparel products are distributed through more than 10,000 doors in national and regional department, mid-tier department, mass market, specialty and independent stores in the United States. We also license our brands, where appropriate, to qualified business partners, domestically and around the world. This enhances brand awareness and strength while increasing revenues and expanding operating margins.

Leveraged Infrastructure

We leverage our corporate central services to company divisions for purposes of creating greater efficiency and consumer value.



Product design and sales are within each division, by brand, to maintain close relationships with customers.

The PVH Brands

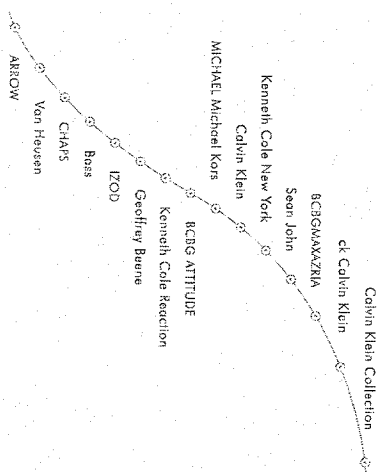
<p>Calvin Klein VAN HEUSEN IZOD ARROW Bass</p>	Owned	<p>GEOFFREY BEENE KENNETH COLE REACT ION BCBGMAXAZRIA BCBG // ATTITUDE MICHAEL MICHAEL KORS CHAPS</p>
	Licensed	

The brands identified above are registered trademarks of ours and our licensors.

Diverse Distribution

Our multiple brand, multiple channel, multiple price point strategy is designed to provide stability should market trends shift. Strategically segmenting our brands ensures we reach the consumer at multiple price levels.

Collection stores		\$10,000
Specialty stores		
Premier department stores		
Department stores		
Mid-tier department stores		
Company stores		
Discount stores		\$10



FINANCIAL REVIEW

OVERVIEW

The following discussion and analysis is intended to help you understand us, our operations and our financial performance. It should be read in conjunction with our consolidated financial statements and the accompanying notes, which are included elsewhere in this report.

We are one of the largest apparel companies in the world. Our portfolio of brands includes Van Heusen, Calvin Klein, Izod, Arrow, G.H. Bass & Co. and Bass, which are owned, and Geoffrey Beene, Kenneth Cole New York, Reaction Kenneth Cole, BCBG Max Azria, HCBG Attitude, MICHAEL Michael Kors, Sean John, CHAPS and, beginning in early 2005, Donald J. Trump Signature Collection, which are licensed. Importantly, our acquisition of Calvin Klein, Inc. in February 2003 provided us with an additional platform for growth in revenues and profitability. This acquisition also further diversified our business model by providing a growth opportunity from a strong and highly profitable licensing stream which does not require investments in working capital.

Our historical strategy has been to manage and market a portfolio of nationally recognized brands across multiple product categories, through multiple channels of distribution and at



Emanuel Chirico
Executive Vice President
and Chief Financial Officer

multiple price points. This strategy was enhanced by the Calvin Klein acquisition, which provides us with one of the most famous designer names in the world. Here, we acquired a solid base of licensed businesses offering a broad range of products globally under multiple Calvin Klein brands in a range of price points. As importantly, we also have a significant opportunity to broaden the reach of the Calvin Klein brands through growth of existing businesses and entry into new businesses, both directly by us and through licensees. This additional diversification, in terms of product, positioning, business model and opportunity has not only enhanced our growth prospects, but has also further moderated our risk to a downturn in any one of our businesses.

We also continue to leverage our sourcing, warehousing, distribution and information technology expertise across all of our brands, which creates both operational efficiencies as well as the ability to respond rapidly to changes in sales trends and customer demands. It also allowed for the smooth integration of the Calvin Klein organization subsequent to its acquisition, enabling us to exceed our operating income targets for our Calvin Klein businesses in both 2003 and 2004.

RESULTS OF OPERATIONS

Operations Overview

We generate net sales from (i) the wholesale distribution of men's dress shirts and sportswear, principally under the brand names Van Heusen, IZOD, Geoffrey Beene, ARROW, Kenneth Cole New York, Reaction Kenneth Cole, Calvin Klein, ck Calvin Klein, BCBG Max Azria, BCBG Attitude, MICHAEL Michael Kors, CHAPS, Sean John and various private labels, and, through the end of 2003, footwear under the Bass brand and (ii) the sale, through approximately 700 company operated retail stores, of apparel, footwear and accessories under the brand names Van Heusen, IZOD, Geoffrey Beene, Bass and, beginning in 2003, Calvin Klein. Our stores operate in an outlet format, except for three Calvin Klein image stores located in New York City, Dallas and Paris selling men's and women's high-end collection apparel and accessories, soft home furnishings and tableware. We are introducing a line of dress shirts under the Donald J. Trump Signature Collection brand in 2005.

We generate royalty and other revenues from fees for licensing the use of our trademarks. Prior to 2003, royalty and other revenues related principally to licensing the IZOD and Van Heusen trademarks. In 2003, royalty and other revenues increased significantly due to the acquisition of Calvin Klein. Calvin Klein royalty and other revenues are derived under licenses and other arrangements primarily for jeans, underwear,

fragrances, eyewear, watches, table top and soft home furnishings. In December 2004, we acquired the companies that own and license the ARROW trademark, which will generate additional royalty and other income in 2005.

Gross profit on total revenues is total revenues less cost of goods sold. We include as cost of goods sold costs of production and procurement of product, including inbound freight, inspection and internal transfer costs. Since there is no cost of goods sold associated with royalty and other revenues, 100% of such revenues are included in gross profit. Due to the above factors, our gross profit may not be comparable to that of other entities.

Selling, general and administrative expenses include all operating expenses other than expenses included in cost of goods sold. Salaries and related fringe benefits are the largest component of selling, general and administrative expenses, comprising 49% of such expenses in 2004. Rent and occupancy for offices, warehouses and retail stores is the next largest expense, comprising 21% of selling, general and administrative expenses in 2004.

The following table summarizes our results of operations in 2004, 2003 and 2002:

	2004	2003	2002
Net sales	\$ 1,460.2	\$ 1,425.7	\$ 1,380.2
Royalty and other revenues	181.2	143.1	11.8
Total revenues	1,641.4	1,568.8	1,392.0
Gross profit	751.0	644.4	518.3
% of total revenues	45.8%	41.1%	37.2%
Selling, general and administrative expenses	621.8	588.6	449.3
% of total revenues	37.9%	37.5%	32.3%
Gain on sale of investments	0.7	3.5	-
Income before interest and taxes	129.9	59.3	69.0
Interest expense	44.6	37.5	23.9
Interest income	1.7	1.1	1.2
Income before taxes	87.0	22.9	46.3
Income tax expense	28.4	8.2	15.9
Net income	\$ 58.6	\$ 14.7	\$ 30.4

Net Sales

Net sales in 2004 increased to \$1,460.2 million from \$1,425.7 million in 2003 and \$1,380.2 million in 2002. The 2004 net sales increase of \$34.5 million over 2003 net sales is due principally to the net effect of the items described below.

Net sales increases in 2004 include:

- The addition of \$88.0 million of net sales attributable to the launch of our Calvin Klein men's better sportswear line marketed to upscale specialty and department stores commencing with the Fall 2004 season, as well as the continued opening of Calvin Klein retail outlet stores in premium outlet malls, which we began to open in 2003. We currently intend to have as many as 75 Calvin Klein outlet stores by the end of 2007.
- The addition of \$41.5 million attributable to growth in our IZOD and ARROW wholesale sportswear businesses.
- The addition of \$12.0 million attributable to growth in our wholesale dress shirt business, particularly from the launch

of five new labels: BCBG Max Azria, BCBG Attitude, MICHAEL Michael Kors, Sean John and CHAPS.

Net sales decreases in 2004 include:

- The loss of the net sales attributable to the wholesale distribution of footwear, principally under the Bass brand, which in 2003 was \$63.2 million. The Bass wholesale footwear business was transferred to a third party under a license agreement.
- The loss of the net sales attributable to the wholesale distribution of the Calvin Klein men's and women's high-end collection apparel businesses, which businesses were transferred to a third party under a license agreement. The net sales of these businesses were \$20.9 million in 2003.
- The loss of the net sales attributable to retail store closings, an 0.8% sales decline in our retail stores open at least two years and reduced wholesale sales of private label sportswear.

In 2003, the \$45.5 million net sales increase over 2002 related principally to the Calvin Klein businesses acquired in that year and significant sales increases in our branded wholesale apparel business, offset, in part, by net sales decreases in our retail stores related principally to a weak overall retail environment, as sales in our retail stores open at least two years declined 3.6%, and reduced wholesale sales of footwear and private label sportswear.

Net sales in 2005 are expected to increase 6% - 8% due principally to growth in Calvin Klein men's better sportswear, which we began selling for the Fall 2004 season, and full year sales for the BCBG Max Azria, BCBG Attitude, MICHAEL Michael Kors, Sean John and CHAPS dress shirt brands which we began selling in mid-to-late-2004 under license agreements and the introduction in 2005 of a licensed line of Donald J. Trump Signature Collection brand dress shirts.

Gross Profit on Total Revenues

The following table shows our revenue mix between net sales and royalty and other revenues, as well as our gross profit, as a percentage of total revenues for 2004, 2003 and 2002:

	2004	2003	2002
Net sales	89.0%	90.9%	99.2%
Royalty and other revenues	11.0%	9.1%	0.8%
Gross profit as a % of total revenues	45.8%	41.1%	37.2%

The increases in the 2004 gross profit on total revenues percentage compared with 2003, and the 2003 gross profit on total revenues percentage compared with 2002, are due principally to the increase in royalty and other revenues as a percentage of total revenues. Since royalty and other revenues do not carry a cost of sales, the gross profit percentage on such revenues is 100.0%.

In addition to revenue mix, our gross profit percentage improvement in 2004 was enhanced by (i) a stronger retail environment for our outlet stores, which resulted in less promotional selling, (ii) stronger sell-throughs of our product in department stores, requiring less support under margin

Royalty and Other Revenues

The royalty and other revenues increases over the prior year of \$38.1 million and \$131.3 million in 2004 and 2003, respectively, are principally attributable to royalty and other revenues of the Calvin Klein Licensing segment. We currently expect that royalty and other revenues of the segment will increase 6% - 8% in 2005, both as a result of growth in the businesses of existing licensees, as well as royalties generated by new license agreements. In addition, royalty and other revenues of the Apparel and Related Products segment are expected to increase significantly in 2005, principally as a result of the royalties generated by the ARROW brand license agreements acquired as part of our acquisition of the ARROW tradename in December 2004.

allowance arrangements with many of our department and specialty store customers and (iii) the exiting of the lower margin Bass wholesale and Calvin Klein Collection businesses at the end of 2003, as both businesses were transferred to third parties under license agreements which went into effect at the beginning of 2004.

We currently expect that royalty and other revenues will continue to increase as a percentage of total revenues in 2005, but at a slower rate than the 2004 increase. If this occurs, the gross profit on total revenues percentage should increase 30 to 50 basis points in 2005.

Selling, General and Administrative (SG&A) Expenses

Our SG&A expenses as a percentage of total revenues are as follows:

	2004	2003	2002
	37.9%	37.5%	32.3%

The increased 2003 SG&A expense as a percentage of total revenues compared with 2002 is principally related to two factors:

- Revenues associated with the Calvin Klein licensing segment, which we acquired in 2003, are principally royalty and other revenues which do not carry a cost of sales. Thus, all operating expenses associated with the Calvin Klein licensing segment's royalty and other revenues are classified as SG&A expenses, which increased our SG&A expense as a percentage of total revenues.

In 2003, we incurred approximately \$36.4 million of SG&A expense associated with (i) the wholesale distribution of Calvin Klein men's and women's high-end collection apparel products and (ii) the costs of certain duplicative personnel and facilities incurred during the integration of various Calvin Klein logistical and back office functions. The 2003 year also includes an \$11.1 million charge for the impairment of long-lived assets in certain of our retail outlet stores, and related severance and lease termination costs.

The 2004 SG&A expenses as a percentage of total revenues of 37.9% remained relatively flat compared with 37.5% in 2003. While the significant Calvin Klein integration and retail store impairment costs did not recur in 2004, we incurred \$12.6 million to exit the wholesale footwear business. In addition, our advertising expenses, principally for Calvin Klein, increased by \$23.3 million in 2004.

The 2005 SG&A expenses as a percentage of total revenues are currently expected to decrease 75 to 125 basis points as we leverage the revenue increases noted above. Also, we do not expect significant integration or other activity exit costs in 2005.

Gain on Sale of Investments

In 2004, we sold an investment in marketable securities for a pre-tax gain of \$0.7 million. In 2003, we sold our minority interest in Gant Company AB for \$17.2 million, net of related expenses, which resulted in a pre-tax gain of \$3.5 million.

Interest Expense and Interest Income

The 2004 interest expense increase to \$44.6 million compared with \$37.5 million in 2003 is due to a prepayment penalty of \$7.3 million and the write-off of debt issuance costs of \$2.1 million in connection with the purchase and redemption of our 9 1/2% senior subordinated notes due 2008 in February of 2004. These notes were purchased and redeemed with the net proceeds of the issuance on February 18, 2004 of 7 1/4% senior unsecured notes. Excluding the effect of the prepayment penalty and the write-off of debt issuance costs, 2004 interest expense is below 2003 levels due to the realization of the benefits of the lower interest rate of the 7 1/4% notes.

Interest expense of \$37.5 million in 2003 increased by \$13.6 million from \$23.9 million in 2002 due to the acquisition of Calvin Klein. The \$401.6 million net cash purchase price was funded by issuing \$250.0 million of convertible redeemable preferred stock with the balance being funded by use of our cash and a term loan from the holders of the convertible redeemable preferred stock. The term loan carried an interest rate of 10% and had a principal amount of between \$100.0 million and \$125.0 million from February 12, 2003 through May 5, 2003. The term loan was repaid on May 5, 2003 with the proceeds from our issuance of \$150.0 million of 8 1/8% senior unsecured notes due 2013. Amortization of fees associated with the 8 1/8% senior unsecured notes also contributed to the increased interest expense in 2003.

Income Taxes

Income tax expense as a percentage of pre-tax income was as follows:

	2004	2003	2002
	32.6%	35.8%	34.3%

The decreased percentage for 2004 compared with 2003 relates principally to (i) higher pre-tax income, which causes state and local franchise taxes that are not based on income to become a lower percentage, (ii) non-deductible expenses included in 2003 pre-tax income related to the sale of our minority interest in Gant and (iii) a \$3.0 million reduction in the valuation allowance for state loss carryforwards. Excluding the effect of the valuation allowance reduction, our income tax expense as a percentage of pre-tax income in 2004 would have been 36.1%.

The increased percentage for 2003 compared with 2002 relates principally to (i) lower pre-tax income, which causes state and local franchise taxes that are not based on income to

become a higher percentage and (ii) non-deductible expenses included in pre-tax income, related to the sale of Gant.

We are currently undergoing examinations of our income tax returns for multiple years by the Internal Revenue Service and other tax authorities. We have reserves for exposures we believe could result from these examinations. Any favorable or unfavorable result as compared with our reserves will affect our tax rate in the year it materializes. Excluding any such discrete items, we currently anticipate our 2005 tax expense as a percentage of pre-tax income will be approximately 37%.

LIQUIDITY AND CAPITAL RESOURCES

Our principal source of cash is from operations, and our principal uses of cash are for capital spending, contingent purchase price payments and dividends. In 2004, our cash flow was also impacted by our acquisition of the ARROW trademark.

Operations

Cash provided by operating activities in 2004 was \$142.6 million, which significantly exceeded our net income of \$58.6 million, principally as a result of depreciation and amortization, tax benefits from the exercise of stock options and deferred taxes. In 2005, we expect our cash provided by operating activities to again exceed net income, but to a lesser extent due to increases in working capital and an expected increase in income tax payments due to exhausting certain net operating loss carryforwards.

Capital Spending

Our capital spending in 2004 was \$46.2 million. We currently expect capital spending in 2005 to be in a range of \$40 million to \$45 million, and decrease moderately thereafter. Our capital spending is generally for information systems, warehouse and office facilities and retail outlet stores. As such, we have no long-term contractual commitments for capital spending.

Contingent Purchase Price Payments

In connection with our acquisition of Calvin Klein in 2003, we are obligated to pay Mr. Klein contingent purchase price payments through 2017 based on 1.15% of total worldwide net sales of products bearing any of the Calvin Klein brands. Such contingent purchase price payments are recorded as an addition to goodwill and totaled \$22.2 million in 2004. We currently expect that such payments will be \$24 million to \$26 million in 2005, and will continue to increase moderately thereafter.

Dividends

Our convertible redeemable preferred stock has a dividend rate of 8.0% per annum, payable in cash. If we elect not to pay a cash dividend for any quarter, then the convertible redeemable preferred stock will be treated for purposes of the payment of future dividends and upon conversion, redemption or liquidation as if an in-kind dividend had been paid. We currently expect to pay our preferred stock dividends in cash for the foreseeable future. Based on the current preferred stock liquidation preference of \$264.7 million, cash dividends are expected to aggregate \$21.1 million in 2005.

Our common stock currently pays an annual dividend of \$0.15 per share. Based on the number of common shares outstanding at January 30, 2005 and our estimates of stock option exercises, we project that cash dividends on our common stock in 2005 will be \$4.8 million to \$5.0 million.

Cash Flow Summary

Our net cash outflow in 2004 was \$8.9 million, which included \$70.5 million used for the ARROW acquisition. Excluding this purchase, our cash flow would have been a positive \$61.6 million.

Our 2005 cash flow will be impacted by various other factors in addition to those noted above. For example, the exercise of stock options provided \$24.8 million of cash in 2004. We currently estimate that 2005 will include a similar amount. Also in 2004, we made approximately \$10.0 million of contributions to our defined benefit pension plans. We currently do not expect to make any material contributions to the plans in 2005.

We currently expect to generate \$65 million to \$75 million of cash flow in 2005. There can be no assurance that this estimate will prove to be accurate, or that unforeseen events, including changes in our net income, working capital requirements or other items, including acquisitions, could occur which could cause our cash flow to vary.

Financing Arrangements

Our capital structure as of January 30, 2005 was as follows:

Long-term debt	\$ 399.5
Convertible redeemable preferred stock	264.7
Stockholders' equity	364.0

We believe this capital structure provides a secure base. There are no maturities of our long-term debt until 2011.

Our convertible redeemable preferred stock has a conversion price of \$14.00 per share, and based on current market conditions, and that redemption cannot be required until November 2013, we believe the preferred stock will be converted to common stock rather than redeemed.

For near-term liquidity, in addition to our cash balance, we have a \$325.0 million secured revolving credit facility that provides for revolving credit borrowings, as well as the issuance of letters of credit. We may, at our option, borrow and repay amounts up to a maximum of \$325.0 million for revolving credit borrowings and the issuance of letters of credit, with no sublimits. Based on our working capital projections, we believe that our

borrowing capacity under this facility provides us with adequate liquidity for our peak seasonal needs for the foreseeable future. During 2004, we had no revolving credit borrowings under the facility, and the maximum amount of letters of credit outstanding was \$186.3 million. As of January 30, 2005, we had \$169.8 million outstanding letters of credit under this facility.

Given our capital structure and our projections for future profitability and cash flow, we believe we could obtain additional financing, if necessary, for refinancing our long-term debt or preferred stock, or, if opportunities present themselves, future acquisitions.

Contractual Obligations

The following table summarizes, as of January 30, 2005, our contractual cash obligations by future period:

Description	Payments Due by Period (in millions)				
	Total Obligations	2005	2006-2007	2008-2009	Indefinite
Long-term debt	\$ 400.0	\$ -	\$ -	\$ -	\$ 400.0
Interest payments on long-term debt	311.7	30.8	61.6	61.6	157.7
Operating leases ⁽¹⁾	379.1	77.8	115.1	77.8	108.4
Inventory purchase commitments	234.6	234.6	-	-	-
Minimum contractual royalty payments ⁽²⁾	19.8	7.7	9.4	2.7	-
Supplemental defined benefit plan ⁽³⁾	35.4	0.9	2.6	2.9	29.0
Total contractual cash obligations	\$ 1,380.6	\$ 351.8	\$ 188.7	\$ 145.0	\$ 695.1

⁽¹⁾ Includes store operating leases, which generally provide for payment of direct operating costs in addition to rent. These obligation amounts include future minimum lease payments and exclude such direct operating costs.

⁽²⁾ We currently anticipate that future payments required under our license agreements on an aggregate basis will exceed significantly the contractual minimums shown in the table.

⁽³⁾ We have an unfunded supplemental defined benefit plan covering 23 executives under which the participants will receive a predetermined amount during the 10 years following the attainment of age 65.

Also not included in the above table are contingent purchase price payments we are obligated to pay Mr. Klein through 2017 based on 1.15% of total worldwide net sales of products bearing any of the Calvin Klein brands. Such payments were \$22.2 million in 2004.

Not included in the above table are payments of cash dividends on our convertible redeemable preferred stock. If we elect not to pay a cash dividend, then the convertible redeemable preferred stock will be treated for purposes of the payment of future dividends and upon conversion, redemption or liquidation as if an in-kind dividend had been paid. We currently expect to pay our preferred stock dividends in cash for the foreseeable

future. Based on the current preferred stock liquidation preference of \$264.7 million, cash dividends are expected to aggregate \$21.1 million in each year. In addition, the preferred stockholders can require the Company to redeem for cash all of the then outstanding shares of convertible redeemable preferred stock on or after November 1, 2013. Based on the conversion price of \$14.00 per share, we believe the preferred stock will be converted to common stock rather than redeemed.

Off-Balance Sheet Arrangements

We do not have any off-balance sheet arrangements that have a material current effect, or that are reasonably likely to have a material future effect, on our financial position, changes in financial position, revenues or expenses, results of operations, liquidity, capital expenditures or capital resources.

MARKET RISK - INTEREST AND EXCHANGE RATE SENSITIVITY

Financial instruments held by us include cash equivalents and long-term debt. Based upon the amount of cash equivalents held at January 30, 2005 and the average net amount of cash equivalents that we currently anticipate holding during 2005, we believe that a change of 100 basis points in interest rates would not have a material effect on our financial position or results of operations. Note 9, "Long-Term Debt," in the Notes to the Consolidated Financial Statements outlines the principal amounts, interest rates, fair values and other terms required to evaluate the expected sensitivity of interest rate changes on the fair value of our fixed rate long-term debt.

Substantially all of our sales and expenses are currently denominated in United States dollars. However, certain of our operations and license agreements, particularly in the Calvin Klein Licensing segment, expose us to fluctuations in foreign currency exchange rates, primarily the rate of exchange of the United States dollar against the Euro and the Yen. Exchange rate fluctuations can cause the United States dollar equivalent of the foreign currency cash flows to vary. This exposure arises as a result of (i) license agreements that require licensees to make royalty and other payments to us based on the local currency in which the licensees operate, with us bearing the risk of exchange rate fluctuations and (ii) our retail and administrative operations that require cash outflows in foreign currencies. To a certain extent, there is a natural hedge of exchange rate changes in that the foreign license agreements generally produce cash inflows and the foreign retail and administrative operations generally produce cash outflows. We may from time to time purchase foreign currency forward exchange contracts to hedge against changes in exchange rates. No forward exchange contracts were held as of January 30, 2005. We believe that future exchange rate changes will not have a material effect on our financial position or results of operations.

SEASONALITY

Our seasonality has changed significantly in the last two years due to the Calvin Klein acquisition, and the ARROW acquisition in December 2004 will further modify our seasonality in 2005 by increasing royalty and other revenues, which tend to be earned somewhat evenly throughout the year. The third quarter has the highest level of royalty income. Our dress shirt and sportswear wholesale businesses generate higher levels of sales and income in the first and third quarters, as the selling of spring and fall merchandise to our department store customers occurs at higher levels as these selling seasons begin.

The aggregate effect of our seasonality is that our first and third quarters have the highest levels of sales and income. Revenues in the second and fourth quarters are relatively equal, but earnings in the fourth quarter are lower from significant holiday marketing costs as well as post-holiday promotional selling and inventory clearance activity.

ACCOUNTING POLICY CHANGES

In December 2004, the Financial Accounting Standards Board (FASB) issued Statement No. 123R, "Share-Based Payment," which is a revision of FASB Statement No. 123, "Accounting for Stock-Based Compensation" and supersedes APB Opinion No. 25, "Accounting for Stock Issued to Employees" and FASB Statement No. 148, "Accounting for Stock-Based Compensation - Transition and Disclosure." FASB Statement No. 123R requires all share-based payments to employees, including grants of employee stock options, to be recognized in the financial statements based on their fair values, effective at the beginning of the first interim or annual period beginning after June 15, 2005, which will be our third quarter of 2005. We are in the process of determining the impact FASB Statement No. 123R will have on our consolidated financial statements, which will depend, in part, on the timing and amount of any future stock option grants.

ACCOUNTING POLICIES INVOLVING SIGNIFICANT ESTIMATES

Our financial statements are based on the selection and application of significant accounting policies, which require management to make significant estimates and assumptions. We believe that the following are the more critical judgmental

areas in the application of our accounting policies that currently affect our financial position and results of operations:

Sales allowances and returns - We have arrangements with many of our department and specialty store customers to support their sales of our products. We establish accruals which, based on a review of the individual customer arrangements and the expected performance of our products in their stores, we believe will be required to satisfy our sales allowance obligations. We also establish accruals, which are partly based on historical data, that we believe are necessary to provide for inventory returns. It is possible that the accrual estimates could vary from actual results, which would require adjustment to the allowance and returns accruals.

Inventories - Inventories related to our wholesale operations, comprised principally of finished goods, are stated at the lower of cost or market. Inventories related to our retail operations, comprised entirely of finished goods, are valued at the lower of average cost or market using the retail inventory method. Under the retail inventory method, the valuation of inventories at cost is calculated by applying a cost-to-retail ratio to the retail value inventories. Permanent and point of sale markdowns, when taken, reduce both the retail and cost components of inventory on hand so as to maintain the already established cost-to-retail relationship. Based on a review of current business trends, inventory aging and discontinued merchandise categories, a further adjustment to inventory is recorded to reflect additional markdowns which are estimated to be necessary to liquidate existing clearance inventories and reduce inventories to the lower of cost or market. We believe that all inventory write-downs required at January 30, 2005 have been recorded. If market conditions were to change, it is possible that the required level of inventory reserves would need to be adjusted.

Allowance for doubtful accounts - Accounts receivable as shown on the consolidated balance sheets is net of an allowance for doubtful accounts. An allowance for doubtful accounts is determined through an analysis of the aging of accounts receivable, assessments of collectability based on historic trends, the financial position of our customers and an evaluation of economic conditions. Any significant changes to the above factors could impact our financial position and results of operations.

Income taxes - As of January 30, 2005, we have deferred tax assets of \$61.9 million related to tax loss and credit carryforwards which begin to expire principally in 2010. Realization of these carryforwards is primarily dependent upon the achievement of future taxable income. Based on the extended expiration dates and projections of future taxable income, we have determined that realization of \$55.8 million of these assets is more likely than not. If future conditions require a change

in judgment as to realization, it is possible that material adjustments to these deferred tax assets may be required.

Goodwill and other intangible assets - Goodwill and other indefinitely lived intangible assets are tested for impairment based on fair value. An impairment loss could have a material adverse impact on our financial position and results of operations. Performance of the goodwill impairment tests requires significant judgments regarding the allocation of net assets to the reporting unit level, which is the level at which the impairment tests are required. The determination of whether an impairment exists also depends on, among other factors, the estimated fair value of the reporting units, which itself depends in part on market conditions.

Medical claims accrual - We self-insure a significant portion of our employee medical costs. Based on trends and the number of covered employees, we record estimates of medical claims which have been incurred but not paid. If actual medical claims varied significantly from these estimates, an adjustment to the medical claims accrual would be required.

Pension benefits - Included in the calculations of expense and liability for our pension plans are various assumptions, including return on assets, discount rate and future compensation increases. Based on these assumptions, and due in large part to decreases in discount rates and the poor performance of U.S. equity markets in 2001 and 2002, we have significant unrecognized costs for our pension plans. Depending on future asset performance and discount rates, such costs could be required to be amortized in the future which could have a material effect on future pension expense. We are currently estimating that our 2005 pension expense will approximate our 2004 pension expense.

Long-lived asset impairment - In each of the last two years, we determined that the long-lived assets in various retail outlet stores were not recoverable, which resulted in us recording impairment charges. In order to calculate the impairment charges, we estimated each store's undiscounted future cash flows and the fair value of the related long-lived assets. The undiscounted future cash flows for each store were estimated using current sales trends and other assumptions. If different assumptions had been used for future sales trends, the number of impaired stores could have been significantly higher or lower.

TEN YEAR FINANCIAL SUMMARY

	2004 ⁽¹⁾	2003 ⁽²⁾	2002
SUMMARY OF OPERATIONS			
Revenues	\$1,469,443	\$1,404,893	\$1,392,038
Apparel and Related Products	171,985	163,743	
Calvin Klein Licensing	1,641,428	1,568,636	1,892,038
Cost of goods sold and expenses	1,511,549	1,507,555	1,833,003
Income (loss) before interest and taxes	129,879	59,276	69,035
Interest expense, net	42,857	36,372	21,729
Income tax expense (benefit)	28,407	8,200	15,869
Net income (loss)	\$ 58,615	\$ 14,706	\$ 30,437
PER SHARE STATISTICS			
Basic net income (loss) per common share	\$ 1.20	\$ 0.18	\$ 1.10
Diluted net income (loss) per common share	1.14	(0.18)	1.08
Dividends paid per common share	0.15	0.15	0.15
Stockholders' equity per common share	11.23	9.68	9.80
FINANCIAL POSITION			
Current assets	491,692	488,912	451,127
Current liabilities	208,493	182,864	127,437
Working capital	283,199	306,048	323,688
Total assets	1,549,582	1,439,283	771,700
Long-term debt	399,512	399,097	249,012
Convertible redeemable preferred stock	264,746	264,746	
Stockholders' equity	\$ 364,026	\$ 296,157	\$ 272,222
OTHER STATISTICS			
Total debt to total capital ⁽²⁾	38.9%	41.6%	47.8%
Net debt to net capital ⁽²⁾	30.5%	32.2%	32.6%
Current ratio	2.4	2.7	3.5
Average common shares outstanding	31,117	30,314	27,770

(1) 2004 includes pre-tax charges of \$9,374 related to debt extinguishment costs, pre-tax charges of \$14,033 associated with the closing of certain retail outlet stores and exiting the wholesale footwear business and relocating the Company's existing retail footwear operations and a \$3,016 tax benefit associated with the realization of certain state net operating loss carryforwards.

(2) 2003 includes pre-tax charges of \$36,366 related to integration costs associated with the Company's acquisition of Calvin Klein, Inc. and certain affiliated companies, pre-tax charges of \$20,739 associated with the impairment and closing of certain retail outlet stores and exiting the wholesale footwear business and relocating the Company's existing retail footwear operations and a pre-tax gain of \$3,496 resulting from the Company's sale of its minority interest in Gant. Calvin Klein integration costs consist of (a) the operating losses of certain Calvin Klein businesses which the Company has closed or licensed, and associated costs in connection therewith and (b) the costs of certain duplicative personnel and facilities incurred during the integration of various logistical and back office functions.

TEN YEAR FINANCIAL SUMMARY

	2001 ^(a)	2000 ^(a)	1999	1998	1997 ^(b)	1996 ^(c)	1995 ^(d)
\$ 1,418,185	\$ 1,440,719	\$ 1,260,533	\$ 1,293,907	\$ 1,341,465	\$ 1,351,722	\$ 1,456,204	
1,418,185	1,440,719	1,260,533	1,293,907	1,341,465	1,351,722	1,456,204	
1,377,046	1,370,182	1,212,223	1,250,472	1,428,618	1,303,984	1,435,631	
41,139	70,537	48,310	43,435	(87,152)	47,738	20,573	
24,451	22,322	22,430	27,713	20,672	23,164	23,199	
6,008	18,115	9,907	3,915	(41,246)	6,014	(2,920)	
\$ 10,880	\$ 30,100	\$ 16,873	\$ 11,897	\$ (66,579)	\$ 18,530	\$ 294	
\$ 0.39	\$ 1.10	\$ 0.62	\$ 0.43	\$ (2.46)	\$ 0.69	\$ 0.01	
0.38	1.10	0.62	0.43	(2.46)	0.68	0.01	
0.15	0.15	0.15	0.15	0.15	0.15	0.15	
9.62	9.80	8.36	8.39	8.11	10.73	10.20	
405,390	436,381	425,970	366,917	385,018	362,956	444,664	
114,358	138,095	124,180	137,686	133,335	127,266	183,126	
290,942	298,286	301,790	233,331	251,683	240,692	261,538	
704,933	721,364	673,748	674,313	666,459	657,436	749,055	
248,935	248,851	248,784	248,723	241,004	189,398	229,546	
\$ 265,727	\$ 268,561	\$ 241,685	\$ 228,888	\$ 226,305	\$ 290,158	\$ 275,297	
48.4%	48.1%	50.7%	54.0%	53.0%	43.1%	52.3%	
43.6%	46.6%	38.9%	53.0%	51.8%	41.7%	50.6%	
3.5	3.2	3.4	2.8	2.9	3.0	2.4	
21,595	21,305	27,289	27,218	27,108	27,004	26,726	

(3) 2001 includes pre-tax charges of \$21,000 for restructuring and other expenses.
 (4) 2000 and 1996 include 53 weeks of operations.
 (5) 1997 includes pre-tax charges of \$132,700 for restructuring and other expenses.
 (6) 1995 includes pre-tax charges of \$27,000 for restructuring and other expenses.
 (7) Total capital equals interest-bearing debt, preferred stock and stockholders' equity.
 (8) Net debt and net capital are total debt and total capital reduced by cash.

LIFEGUARD CLOTHING SPONSORSHIP AGREEMENT

THIS LIFEGUARD CLOTHING SPONSORSHIP AGREEMENT (this "Agreement"), dated as of ____, 2005, between the CITY OF MIAMI BEACH, a Florida municipal corporation having its principal place of business at 1700 Convention Center Drive, Miami Beach, Florida 33139 ("City"), and PHILLIPS-VAN HEUSEN CORPORATION, a Delaware corporation, having its principal executive office at 200 Madison Avenue, New York, New York 10016 ("Sponsor").

WITNESSETH:

WHEREAS, the City desires to obtain by donation and purchase from Sponsor, apparel and related goods to be worn by the Lifeguards, as hereinafter defined, employed by the City, while said Lifeguards are on duty, and Sponsor is willing to donate and sell such products to the City;

WHEREAS, the City has the power and authority to allow Sponsor to use the Lifeguard Logo, the City's trademarked seal (the City's Trademark) and the approved City of Miami Beach logo (the City's Logo) all as hereinafter defined, and to advertise on certain limited areas of City-owned or operated real and personal property, including the City Beaches, as hereinafter defined, lifeguard stands, and any beach volleyball nets donated to the City by Sponsor, and to grant Sponsor the exclusive right to promote itself as the provider of apparel and related items to the Lifeguards, as and to the extent provided; and

WHEREAS, Sponsor desires to obtain the exclusive right to use the Lifeguard Logo, City's Trademark, and the City's Logo to advertise on certain limited areas of City-owned or operated real and personal property, including the City Beaches, lifeguard stands, and any beach volleyball nets donated to the City by Sponsor, and to promote itself as the exclusive provider of apparel and related items to the Lifeguards, as and to the extent provided herein..

NOW, THEREFORE, the parties agree as follows:

1. Definitions.

A. As used herein, the terms set forth below shall be defined as follows:

"Agreement Year" shall mean the twelve (12) month period commencing on the date that this Agreement is duly executed by the authorized representatives of the City or

Sponsor, whichever is later, and each twelve (12) month period thereafter throughout the term of this Agreement.

“Business Day” shall mean a day of the week other than Saturday or Sunday or holidays on which City offices are closed.

“City Beaches” shall mean those beaches located within the City of Miami Beach over which the City has jurisdictional or operational authority.

“City’s Logo” shall mean the approved logo of the City of Miami Beach, as attached and incorporated in Exhibit “A” hereto.

“City’s Trademark” shall mean the registered trademarked seal of the City of Miami Beach, Florida, as attached and incorporated in Exhibit “A-1” hereto.

“Department” shall mean the City of Miami Beach Fire Department and/or the City of Miami Beach Department of Parks and Recreation.

“Lifeguard” shall mean any person employed on a permanent or temporary basis by the City as a lifeguard.

“Lifeguard Logo” shall mean the logo which has been approved by the City for purposes of this Agreement and is attached and incorporated in Exhibit “B” hereto. Any substitute logo, other than the one approved in Exhibit “B”, must be approved in writing by the City prior to Sponsor’s use of same.

“Preferred Price” shall mean the price that Sponsor will charge the City for any Sponsor Products and Program Clothing, as both terms are defined herein. The Preferred Price for sales of Sponsor Products and Program Clothing to the City for use by the Lifeguards or other City employees in connection with their duties as City employees will equal eight percent (8%) over Sponsor’s landed duty paid cost. The Preferred Price for sales of Sponsor Products and Program Clothing to the City for resale by the City, either directly or through its concessionaires and other City-approved third parties, will equal twenty percent (20%) over Sponsor’s landed duty paid cost. In each case, such price shall be inclusive of logo and printing costs to the extent Program Clothing is involved.

“Program Clothing” shall mean Sponsor Products bearing the Lifeguard Logo that are donated or sold to the City pursuant to Section 2.

“Special Event Permit” shall mean a permit issued to Sponsor by the City (or any department or agency thereof) for events that are conducted by Sponsor at City owned or operated property and/or facilities or on private property, where the City’s Special Event Application and Guidelines require that a Special Events Permit be issued.

“Sponsor Products” shall mean clothing, clothing related items (including, without limitation, hats), and towels manufactured by or on behalf of Sponsor under Sponsor’s owned or licensed trademarks. The term “Sponsor Products” shall not include sunglasses which shall be specifically excluded from this Agreement.

“Sponsor’s Trademark” shall mean any trademark, trade name or service mark, of Sponsor, whether or not registered.

B. In this Agreement, (i) words used herein regardless of the gender specifically used shall be deemed and construed to include any other gender, masculine, feminine or neuter, as the context shall require, (ii) all terms defined in the singular shall have the same meanings when used in the plural and *vice versa*, (iii) the terms “include” and “including” shall be deemed to be followed by “without limitation” whether or not such words in fact follow and (iv) all references to sections and paragraphs refer to the corresponding provisions of this Agreement. Any statute defined or referred to herein or in any agreement or instrument that is referred to herein means such statute as from time to time amended, modified or supplemented, including (in the case of statutes) by succession of comparable successor statutes. References to a person are also its predecessors and permitted successors and assigns.

2. Rights Granted to Sponsor. Subject to the conditions set forth herein below, the City grants Sponsor, during the term of this Agreement, the right to be the exclusive provider of Program Clothing and Sponsor Products to the Lifeguards. As such, City hereby grants Sponsor, during the term of this Agreement, the exclusive right to promote itself as the “Official Outfitter of the City of Miami Beach Ocean Rescue”, or other similar wording approved by the City, such approval not to be unreasonably withheld, identifying Sponsor as the provider of Program Clothing and Sponsor Products to the Lifeguards. All Program Clothing shall display a Sponsor Trademark, and no other trademarks shall appear on the Program Clothing, other than Sponsor’s Trademarks, the Lifeguard Logo, and/or the City’s Trademark and/or the City’s Logo, if used in the design.

In addition, Sponsor shall have the following ancillary rights and obligations:

A. Within thirty (30) days of the commencement of the initial three (3) year term of this Agreement, and immediately upon the commencement of each three (3) year renewal term, the City shall erect one new ocean lifeguard stand bearing the Sponsor's Trademark, as approved by Sponsor, at a prominent, high traffic, high visibility location on the City Beaches, such location to be mutually acceptable to both Sponsor and the City. Each such lifeguard stand shall display no trademarks other than the Sponsor's Trademarks, the City's Trademark, and/or the City's Logo, and/or any other public or governmental authority trademark(s) if deemed necessary by the City, in its sole discretion. Sponsor shall reimburse the City in an amount up to \$15,000 (per term) toward design and construction of each new ocean lifeguard stand within thirty (30) days after Sponsor's receipt of the City's invoice setting forth in detail the design and constructions costs of such lifeguard stand. Such lifeguard stands shall be made available to the Sponsor for promotions, marketing and advertising, at times agreed upon by the City.

B. Sponsor shall have the exclusive right to use the Lifeguard Logo during the term of this Agreement on or in connection with the sale of Sponsor Products, including in connection with the advertising and promotion of said Sponsor Products for sale to the general public. Notwithstanding the preceding sentence, Sponsor acknowledges and agrees that the City shall have the right to use Lifeguard Logo, or allow Logo to be used, during the term of the Agreement, in connection with public non-commercial purposes. Without limiting the generality of the foregoing, Sponsor shall have the exclusive right to provide Sponsor Products bearing the Lifeguard Logo for sale by the City, either directly or through its concessionaires or other City-approved third parties. Sponsor Products shall be sold by Sponsor to the City for its own use or for resale, as provided herein, at the applicable Preferred Price.

The parties acknowledge and agree that no exact replica of the Program Clothing produced for the Department or other City personnel shall be provided or sold to anyone other than the City, nor shall it be provided to any person other than appropriate City personnel.

C. Sponsor shall have the right to apply for four (4) Special Event Permits in each Agreement Year for events at which Sponsor Products will be promoted, without having to pay the City permit and application fees. All other costs associated with these events shall be the sole responsibility of Sponsor, with the exception of the City permit and

application fees. The issuance of such Special Event Permits shall be subject to and contingent upon the following conditions: (i) Sponsor meets all of the requirements of the permit process (other than the payment of City permit and application fees); (ii) Sponsor complies with the Special Event Application and Guidelines established by the City's Tourism and Cultural Department, Special Events Division, and any and all conditions that the City may attach to the issuance of a Special Events Permit, if issued; (iii) Sponsor's event identifies IZOD as the principal sponsor of the event; and (iv) the proposed event does not conflict with a previously scheduled event for the intended site.

Sponsor shall also be provided with twenty (20) complimentary rounds of golf on the Miami Beach Golf Club, or other City-owned or operated golf course, as Sponsor may reasonably request, at such times as Sponsor may reasonably request upon reasonable prior notice.

D. Sponsor shall have the right to publicize its sponsorship arrangements under this Agreement through print advertisement, television, radio, electronic media and other similar forms of commercials and other forms of marketing and promotional materials, as well as through packaging and tags used with or on Sponsor Products. Sponsor's publication of its sponsorship relationship with the City shall be consistent with the image, prestige and branding of the City. The City shall have prior review and approval of all packaging and tags hereunder, such approval not to be unreasonably withheld. Sponsor may continue to use all approved materials, provided it makes no material changes to the same. Without limiting the generality of the foregoing, Sponsor shall have the right to make public, non-commercial publications of its sponsorship relationship with the City without prior approval.

E. Sponsor agrees that any logos, official designations and trademarks developed or used by Sponsor for exclusive placement on Program Clothing and Sponsor Products that incorporate the Lifeguard Logo and/or the City's Trademark, and/or the City's Logo, shall at all times remain the exclusive property of the City. If the City chooses to seek registration under federal trademark law for any logos, including the Lifeguard Logo and the City's Logo, in connection with Sponsor Products, Sponsor shall assist the City in seeking such registration, and thereafter maintaining the registration of any such logos, during the term and any renewal terms, including reimbursing the City for any application, registration or maintenance fees attributable to the Sponsor Products. Upon termination, and in the absence of the extension, renewal or replacement of this Agreement, Sponsor shall transfer to the City all rights, entitlements and ownership of all said logos, including but not limited to the Lifeguard Logo, and the City's Logo, official designations and trademarks, which

Sponsor may have by virtue of this Agreement, and the City shall thereafter be solely responsible for maintaining any and all such registered logos, official designations and/or trademarks. Nothing herein shall be deemed to give the City any right in any of the Sponsor's Trademarks or any other trademark incorporating any of Sponsor's Trademarks.

F. Sponsor will design and donate to the City during each Agreement Year (including renewal terms):

(i) 135 sets of Program Clothing, each set to consist of the following Program Clothing:

Ocean Rescue/Department of Parks and Recreation Lifeguard Uniform Set

Polo Style Shirt	2
Combination of Heavy + T shirts	6
Warm-up jacket	1
Warm-up pant	1
Combination of Water or Board Shorts	6
Fleece lined (mid-weight) jacket	1
Fleece (zippered) pullover	1
Competition Swim Suit	3
Hat (Combination of Baseball and floppy Style)	3
TOTAL PIECES PER SET	24;

(ii) 200 sets of Program Clothing, each set to consist of the following Program Clothing:

Fire Department Uniform Set

Polo Style Shirt	4
Cargo Style Pant	4
TOTAL PIECES PER SET	8; and

(iii) 35 sets of Program Clothing, each set to consist of the following Program Clothing; provided that, during the term of this Agreement, the City shall at all times during carry 120 units of a representative selection of golf products bearing Sponsor's IZOD trademark at the Miami Beach Golf Club.

Golf Course Uniform Set

Polo Style Shirt	5
Cargo Style Pant or Short	5
Golf Windbreaker Jacket	1
TOTAL PIECES PER SET	11

In addition, for the first Agreement Year, and the first Agreement Year of any renewal term, Sponsor shall include with the Ocean Rescue and Department of Parks and Recreation uniform sets a total of 100 fleece-lined, wind and water resistant jackets with roll-up hoods in the neck band.

All Program Clothing for an Agreement Year shall be delivered by or on behalf of Sponsor to the City by November 1st of each Agreement Year. Sponsor and the City may mutually agree, in writing, to alterations in the design of the Program Clothing.

G. Sponsor will sell to the City at the Preferred Price any additional Program Clothing requested beyond that required under Section 2F. Such additional Program Clothing shall be delivered by Sponsor to the City by November 1st of each Agreement Year provided that the City orders such items by March 1st of such Agreement Year (or the date effective hereof in the case of the first Agreement Year).

H. The City can purchase from Sponsor at the Preferred Price additional Sponsor Products of types not listed in Section 2F for the Lifeguards and other employees of the Department, or any other City department, division or agency. In addition, to the foregoing, the City, at its sole discretion, may request that Sponsor become a sponsor of any or to all other City departments, divisions and agencies through a program similar to the program hereunder, under the same material terms and conditions as set forth in this Agreement.

3. Term and Extension of Rights. This Agreement shall be deemed to commence on the date it is executed by the authorized representatives of the City or Sponsor, whichever is later, and shall continue for three (3) Agreement Years. This Agreement may be extended by mutual agreement of the parties for up to two consecutive three-year terms on the same terms and conditions specified in this Agreement. If a party desires to extend this Agreement, it must inform the other party in writing at least eight (8) months prior to the termination of the third or the sixth Agreement Year, as the case may be. This Agreement shall thereafter be extended unless the receiving party notifies the sending party within sixty

(60) days of its receipt of the notice of extension that the receiving party does not desire to extend this Agreement.

4. Operation Expansion or Reduction. Sponsor and the City agree that in the event that the City's jurisdictional or operational authority on any City Beach is expanded or reduced, thereby affecting the extent of Sponsor's ability to advertise its Sponsor Products, Sponsor shall have the right to terminate this Agreement without penalty or further liability or obligation.

5. Representations and Warranties.

A. Sponsor represents and warrants that it has all rights, power and authority to enter into this Agreement and perform its obligations hereunder.

B. The City represents and warrants that it owns all right, title and interest in and to the Lifeguard Logo, the City's Logo, and the City's Trademark and has all rights, power and authority to grant to Sponsor the rights granted to Sponsor hereunder.

6. Default and Termination.

A. A party ("breaching party") shall be deemed to be in default of this Agreement upon one or both of the following conditions:

- i. The breaching party fails to perform in all material respects its obligations under this Agreement within thirty (30) days after its receipt of written notice from the other party describing in sufficient detail the nature and extent of the failed performance. However, if the occurrence of such failure to perform is due to fire, earthquake, or other events reasonably beyond the control of the breaching party, the non-breaching party shall grant a reasonable extension of time within which the breaching party may meet its obligations, the length of time for such extensions to be reasonably determined by the non-breaching party; or
- ii. A party shall become bankrupt or insolvent, or enters into liquidation, or has a receiver appointed and is prevented from fulfilling its obligations.

B. Upon the occurrence of either of the foregoing conditions, the non-breaching party shall have the right to terminate this Agreement within sixty (60) days after serving written notice to the breaching party.

C. Neither party shall be held liable for any damages caused to the other by reason of the breaching party's failure to perform any obligation hereunder when said failure to perform is a result of a court order issued by court of competent jurisdiction.

D. In the event of termination of this Agreement, by default or by expiration of this Agreement, the City shall have all rights to possession and use of all Program Clothing and Sponsor Products that has been donated or paid for, the lifeguard stand(s), the volleyball nets, and all other goods purchased and/or donated from Sponsor hereunder. The City shall also be obligated to purchase at the Preferred Price all other Program Clothing and other Sponsor Products, if any, ordered for the current Agreement Year or the immediately subsequent Agreement Year.

8. Waiver. The failure or inability of either party to enforce any right hereunder shall not serve as a waiver or modification of any right hereunder. Any waiver, to be effective, must be in writing and signed by the party to be charged. No specific waiver of any right shall prohibit a party from enforcing said right in the future.

9. Notices. All notices, communications and statements given hereunder shall be given at the respective addresses of the parties as set forth below (or such other address as a party shall designate by notice hereunder) in writing. Any notice concerning this Agreement shall be personally delivered or sent by registered, certified or overnight mail, recognized courier or fax (with electronic confirmation and confirmation copy sent by regular mail) and shall be effective upon receipt. The addresses for the parties are:

City: City of Miami Beach
Office of the City Manager
Miami Beach, Florida
Attention: Robert Middaugh, Asst. City
Manager
Telephone:
Facsimile:

With a copy to:

City of Miami Beach
Parks and Recreation Department
Miami Beach, Florida
Attention: Kevin Smith, Director
Telephone:
Facsimile:

Sponsor: Phillips-Van Heusen Corporation
200 Madison Avenue
New York, NY 10016
Attention: Malcolm Robinson
Telephone: (212) 381-3811
Facsimile: (212) 381-3965

With a copy to:

Phillips-Van Heusen Corporation
200 Madison Avenue
New York, NY 10016
Attention: Mark D. Fischer, Esq.
General Counsel
Telephone: (212) 381-3509
Facsimile: (212) 381-3970

10. Assignment. Neither party to this Agreement shall have the right to assign or delegate any of its rights or obligations hereunder without the prior written consent of the other party. Notwithstanding the foregoing, Sponsor can use third parties to produce any or all items provided to the City (whether sold or donated, including goods sold to the City whether for use by the City or its employees or for resale by the City's concessionaires or other City-approved third parties) pursuant to this Agreement.
11. Severability of Provisions. Should any individual provision of this Agreement be declared void, the validity of the remainder of this Agreement will not be affected and will remain in full force and effect unless the overall intent of the parties in entering into this Agreement is defeated thereby.
12. No Joint Venture. Nothing herein contained shall be deemed to constitute this a joint venture or partnership between the parties and neither of them shall have the power to bind the other in any way, and neither shall be responsible for any obligations of the other, except as herein specifically provided.
13. Headings. The section headings used herein are for convenience and reference only and shall not define or limit any of the terms or provisions hereof.
14. Amendment of Agreement. All amendments and modifications of this Agreement must be in writing and shall not be effective unless and until signed by both parties.

15. Governing Law and Exclusive Venue. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Florida, both substantive and remedial, without regard to principles of conflict of laws. The exclusive venue for any litigation arising out of this Agreement shall be Miami-Dade County, Florida, if in state court, and the U.S. District Court, Southern District of Florida, if in federal court. BY ENTERING INTO THIS AGREEMENT, CITY AND SPONSOR EXPRESSLY WAIVE ANY RIGHTS EITHER PARTY MAY HAVE TO A TRIAL BY JURY OF ANY CIVIL LITIGATION RELATED TO, OR ARISING OUT OF, THIS AGREEMENT .

16. Entitlement to Costs. If any legal action or dispute arises under this Agreement, the prevailing party shall be entitled to recover all costs and expenses, including reasonable attorneys' fees, investigative costs, reasonable accounting fees and charges for experts. The "prevailing party" shall be the party that obtains a remedy, or that is entitled to recover its reasonable costs of suit, upon final, non-appealable judgment. If there is no court action, the prevailing party shall be the party that wins any dispute. A party need not be awarded money damages or all relief sought in order to be considered the "prevailing party" by an arbitrator or a court.

17. Entire Agreement. This Agreement contains the entire understanding between the parties relating to the subject matter herein contained and supercedes any and all prior agreements and understandings, whether written or oral.

IN WITNESS WHEREOF the parties have entered into this Agreement as of the day and year first above written.

SPONSOR:

Secretary

PHILLIPS-VAN HEUSEN CORPORATION

Print Name

By: _____
Mark D. Fischer
Vice President

Date

CITY:

CITY OF MIAMI BEACH

City Clerk

By: _____
Mayor :

Date

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RESOLUTION TO BE SUBMITTED